Fish and Game Commission
Meeting Binder

September 9, 2015

Wildlife Resources Committee Meeting

Fresno

INTRODUCTIONS FOR FISH AND GAME COMMISSION WILDLIFE RESOURCES COMMITTEE

FISH AND GAME COMMISSIONERS

Jack Baylis	Co-Chair (Los Angeles)
Jim Kellogg	Co-Chair (Discovery Bay)

COMMISSION STAFF

Sonke Mastrup	Executive Director
Caren Woodson	Analyst

DEPARTMENT OF FISH AND WILDLIFE

Dan Yparraguirre	Deputy Director, Wildlife & Fisheries Division
Stafford Lehr	Chief, Fisheries Branch
Eric Loft	Chief, Wildlife Branch
Glenn Underwood	Analyst

I would also like to acknowledge special guests who are present:
(i.e., key DFW staff, elected officials, tribal chairpersons, other special guests)

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PERPETUAL TIMETABLE FOR CALIFORNIA FISH AND GAME COMMISSION ANTICIPATED REGULATORY ACTIONS

Note: Dates shown reflect the actual date intended for the subject regulatory action. Please check commission and committee meeting agendas to confirm dates and actions.

Updated: 08/11/15

QTRLY PUB	DFW RU ANALYST	FGC ANALYST	LEAD	REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	2015 SEP 9 WRC FRESNO	2015 OCT 6 TRIBAL LOS ANGELES	2015 OCT 7 | 8 FGC ACTION LOS ANGELES	2015 NOV 4 MRC VENTURA	2015 DEC 9 | 10 FGC ACTION SAN DIEGO	2016 JAN 20 WRC SACRAMENTO	2016 FEB 10 | 11 FGC ACTION SACRAMENTO	2016 MAR 21 MRC LOS ALAMITOS	2016 MAR 15 TELECONFERENCE	2016 APR 12 TRIBAL GEYSERVILLE	2016 APR 13 | 14 FGC ACTION SANTA ROSA	2016 APR 18 TELECONFERENCE	2016 MAY 18 WRC SACRAMENTO	2016 JUN 21 TRIBAL HUNTINGTON BEACH	2016 JUN 22 | 23 FGC ACTION HUNTINGTON BEACH	2016 JUL 21 MRC NAPA	2016 AUG 24 | 25 FGC ACTION SACRAMENTO
FOR FGC STAFF USE					File Notice w/OAL by			8/11/15		10/13/15		12/15/15		1/19/16		2/16/16	2/23/16			4/26/16		6/28/16
					Notice Published			8/21/15		10/23/15		12/24/15		1/29/16		2/26/16	3/4/16			5/6/16		7/8/16
	MR	CW	WLB	BOBCAT PROTECTION MANDATE	478																	
	MR	JS	WLB	WATERFOWL	502	V				N		D				A					E 7/1	
	MR	CW	WLB	UPLAND (RESIDENT) GAME BIRD	300, 708.18	V					R					N				D		A
✱	SB	SF	MR	COMMERCIAL MARKET SQUID LOGBOOK	149			A			E 1/1											
✱	MR	SF	MR	COMMERCIAL HAGFISH - 40 GAL BARRELS	180.6			D/A			E 1/1											
✱	MR	ST	MR	COMMERCIAL HERRING	163, 164			D/A			E 1/1											N
	SB	ST	MR	SPORT DUNGENESS CRAB/SPORT CRAB TRAP	29.85			A	E 11/1													
✱	SB	SF	MR	MARINE PROTECTED AREAS	632			D		A												
	SB	JS	FB	SPORT FISH	1.45 et al.			D		A				E 3/1				R				N
✱	MR	JS	FB	TRANSGENIC FISH	1.92, 671			D/A			E 1/1											
✱	MR	CW	MR	TRAWL LOGBOOKS	190			N		A					E 4/1							
	SB	CW	WLB	DFW LANDS PROGRAM PASS	550, 550.5, 551, 630, 703					N		D				A					E 7/1	
✱	MR	JS	WLB	FALCONRY CLEAN-UP	670					N		D				A					E 7/1	
		SF	FGC	COMMISSION PROCEDURES	TBD			N		D		A			E 4/1							
	SB	SF	MR	PACIFIC HALIBUT	28.20					N		D				A		E 5/1				
✱	SB	ST	MR	SPINY LOBSTER, SPORT AND COMMERCIAL	29.80, 29.90, 121-122					N		D				A					E 7/1	
	SB	SF	MR	OCEAN SALMON SPORT FISHING (PHASE I)	1.73, 27.75, 27.80(c)					N		D		A	E 4/1							
	SB	SF	MR	OCEAN SALMON SPORT FISHING (PHASE II)	27.8							D					A	E 5/1				
	SB	SF	FB	KLAMATH RIVER SPORT FISHING	7.50(b)(91.1)	R				N		D					A	V				E 8/1
	MR	JS	FB	CENTRAL VALLEY SALMON	7.50(b)(5)(68) & (156.5)					N		D					A					E 8/1
	MR	JS	WLB	MAMMAL 2016-2017	360 et. Al.	R				N		D				A		V			E 7/1	
	MR	JS	FB	BIG GAME TAG QUOTA REP. PROC. [AUG 2016]	360, 361, 362, 363, 364																	N
✱			MR	KELP FEES, RATE AND DEPOSITS [2016]	165, 165.5, 705				V													
✱			MR	COMMERCIAL SEA CUCUMBER [2016]	128																	
✱			MR	COMMERCIAL SEA URCHIN [TBD]	120.7																	
			OGC	AZA/ZAA [TBD]	671.1																	

EM = EMERGENCY, E = ANTICIPATED EFFECTIVE DATE (RED REQUIRES EXPEDITED REVIEW), N = NOTICE HEARING, D = DISCUSSION HEARING, A = ADOPTION HEARING, V = VETTING, R = COMMITTEE RECOMMENDATION

Commissioners
Jack Baylis, President
Los Angeles
Jim Kellogg, Vice President
Discovery Bay
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Anthony C. Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission

Wildlife Heritage and Conservation
Since 1870

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

WILDLIFE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Baylis and Commissioner Kellogg

ANNOTATED Meeting Agenda
September 9, 2015, 10:00 a.m.

Department of Industrial Relations
2550 Mariposa Mall, Room 1036
Fresno, CA 93721

NOTE: Please see important information about public comment deadlines and Committee procedures at the end of the agenda. *All agenda items are informational and/or discussion only. The Committee develops recommendations to the Commission but does not have authority to make policy or regulatory decisions on behalf of the Commission.*

Staff recommendations on the order of the agenda items based on priority needs:

1. **Move consideration of the waterfowl item (#3a) to item 2c** in order to accommodate the new waterfowl cycle and ensure WRCs recommendation is made by the October FGC meeting for publication of the Notice following the December FGC meeting.
2. **Move discussion of the predator work group** to follow item 2.

1. Public forum

2. Discuss and approve recommendations for 2015-2016 scheduled rulemakings
   a. Klamath River sport fishing regulations (Section 7.50(b)(91.1) – agenda incorrectly indicates Sections 7.50(b)(5)(68) and 156.5)
      - **Brief background**: This item is to provide the public and the DFW an opportunity to identify and discuss potential items to include in the upcoming rulemaking for Klamath River fishing regulations for next year. Last year FGC made significant changes to fishing at the "spit" to protect Chinook stocks from excessive catch and release mortality.
      - **Presentation**: DFW will summarize proposed regulation changes and provide an update on how the "spit" regulations have been working to date.
      - **Public discussion:** Please provide your name and the name of any organization you represent, and tell us why you support or oppose the proposed options. You may also use this opportunity to share new ideas for consideration.
      - **Exhibits**: N/A

- **WRC discussion**: Do you support all, some, or none of the identified changes? Are there any modifications or options you would like to include in the proposed Notice?
- **FGC staff recommendation**: This is the last opportunity for WRC to make recommendations to FGC regarding any Klamath Sport fishing regulations for 2016.

b. Mammal hunting 2016-2017 regulations (Sections 360 et al.)
- **Brief background**: This item is to provide the public and DFW an opportunity to identify and discuss potential items to include in the upcoming rulemaking for mammal hunting regulations for next year.
- **Presentation**: DFW will summarize proposed regulation changes for 2016 beyond the anticipated changes to season and bag limits, including any update or recommendations on items previously referred to DFW.
- **Public discussion:** Please provide your name and the name of any organization you represent, and tell us why you support or oppose the proposed options. You may also use this opportunity to share new ideas for consideration
- **Exhibits**: N/A
- **WRC discussion**: Do you support all, some, or none of the identified changes? Are there any modifications or options you would like to include in the proposed Notice?
- **FGC staff recommendation**: This is the last opportunity for WRC to make recommendations to FGC regarding any mammal hunting regulations for the 2016-17 season.

c. Waterfowl hunting (Section 502) **(Item 3a on the agenda)**
- **Brief background**: The U.S. Fish and Wildlife Service has changed how it manages its waterfowl regulation-setting process, which will require states to adopt regulations four months earlier than has been the tradition for decades.
- **Presentation**: DFW will provide more detailed background and explain how staff expects this new process to be implemented.
- **Public discussion**: Please provide your name and the name of any organization you represent, and share with us and concerns or questions you have about this new process and DFW's response. You may also use this opportunity to share new ideas for consideration
- **Exhibits**: N/A
- **WRC discussion**: Do you support all, some, or none of the identified changes? Are there any modifications or options you would like to include in the proposed Notice?
- **FGC staff recommendation**: This is the last opportunity for WRC to make recommendations to FGC regarding waterfowl hunting regulations for the 2016-17 season.

3. Identify and discuss initial recommendations for 2016 scheduled rulemakings

a. Upland Game (Sections 300 and 708.18)
- **Brief background**: This is an opportunity for the public and DFW to identify issues related to upland game hunting for discussion.
- **Presentation**: N/A
- **Public discussion**:
- **Exhibits**: N/A

- **WRC discussion**: This is an opportunity for WRC to identify issues related to upland game hunting for consideration before DFW brings proposed regulation changes in January.
- **FGC staff recommendation**: If there are any issues that WRC wishes to discuss in further detail, staff recommends placing it on the Jan 2016 WRC agenda.

4. Discuss one year from purchase date versus calendar year term for fishing licenses
   - **Brief background**: The California Sport Fishing League is asking WRC to recommend that FGC support SB 345, The Sport Fishing Stimulus Act of 2015. If passed, the bill would (1) authorize charitable organizations to possess fish taken under a sport fishing license in excess of a possession under certain provisions, (2) require FGC to adopt regulations to clarify when a possession limit is not violated by processing into food lawfully taken sport fish, (3) make annual fishing licenses valid for a full 12 months, and (4) create a junior fishing license.
   - **Presentations**:
     1. Glenn Underwood, Analyst, DFW
     2. George Osborn, California Sport Fishing League
   - **Public discussion**: Please provide your name and the name of any organization you represent, and tell us why you support or oppose these options. You may also use this opportunity to share new ideas for consideration.
   - **Exhibits**:
     1. DFW presentation
     2. Sport Fishing League report on the decline of sportfishing in California, dated Mar 23, 2015
     3. California Outdoors Q&As -- Annual sport fishing licenses
     4. SB 345 support list (provided by California Sportfishing League, dated May 15, 2015)
     5. Email from Sally W. received Sept 19 supporting change in fishing license similar to Arizona
     6. Email from Donald Johnson received Aug 25 supporting change in fishing license like Arizona
   - **WRC discussion**: Do you support all, some, or none of the provisions identified in the legislation? Are there any modifications or options you would like to see included? Do you have a recommendation to FGC on the California Sportfishing League's request to endorse SB 345 and/or potential direction to staff?
   - **FGC staff recommendation**: N/A

5. Discuss wild pig management
   - **Brief background**: Wild pigs are managed both as depredators (F&G Code, Section 4181and Title 14, Section 401) and as game mammals (F&G Code, sections 3953 and 4650-4657 and Title 14, Section 368). Depredation take involves permits and reporting requirements. Hunting as game requires a license, tags, reporting requirements, and fees. Wild pigs are both a valued game animal and a despised and destructive pest. Clearly, an animal that is both valued and despised creates conflict, currently expressed in the form of landowner frustration that a permit and reporting requirements are needed to resolve depredation issues. While there are no fees for the permits and reporting, it does involve time and effort on the part of the landowner to comply. In addition,

inconsistencies in logic exist between the requirements under depredation versus sport hunting as game – why are tags required of hunters to kill and possess an animal considered a pest? Assembly Member Bigelow introduced AB 290 to try and resolve some of these issues; the bill in its current form does not resolve the issues. Does the committee want to recommend that FGC proffer amendments?

- **Presentation**: FGC staff will provide a short overview.
- **Public discussion**: Please provide your name and the name of any organization you represent, and tell us why you support or oppose these options. You may also use this opportunity to share new ideas for consideration.
- **Exhibits**:
  1. FGC staff presentation
  2. AB 290 language
  3. Letter from HSUS to Mike Gatto, chair of the Assembly Appropriations Committee, dated May 16, 2014
- **WRC discussion**: How do we protect revenues coming into DFW, maintain hunting opportunity, streamline depredation, and minimize waste?
- **FGC staff recommendation**: WRC recommend to FGC that staff be directed to help find a solution based on FGC direction.

6. Discuss possession of game for processing into food (per Section 3080(e), Fish and Game Code)
   - **Brief background**: Referenced code section states that the commission shall recommend legislation or adopt regulations to clarify when a possession limit is not violated by processing into food lawfully taken game birds or mammals. WRC discussed this matter briefly, with a focus on defining the transition point from game to food. In addition, there was interest in providing the same provisions for fish, which would be a legislative recommendation (see item 4 for a summary of SB 345).
   - **Presentation**: FGC staff will provide a short overview.
   - **Public discussion:** Please provide your name and the name of any organization you represent, and tell us why you support or oppose these options. You may also use this opportunity to share new ideas for consideration.
   - **Exhibits**:
     1. FGC staff presentation
     2. Letter from California Waterfowl Association dated Nov 20. 2014, concerning implementation of SB 392 (Chap. 346, Stats. 2013)
   - **WRC discussion**: It is important that any provisions adopted by FGC be workable in the field for both LED and the users.
   - **FGC staff recommendation**: Recommend two actions to FGC:
     1. Initiate rulemaking to define the transition from game to food when game are processed for storage or for immediate consumption. Processed for consumption would be defined as having three elements: Gutted, cleaned, and any one of the following: 1) frozen; 2) smoke cured; 3) canned; 4) dried; 5) prepared for immediate consumption.
     2. Recommend the legislature add fish to the provisions of 3080.

7. Update on and discussion of predator policy workgroup, predator management policy and potential regulation changes
   - **Brief background**: In Aug, FGC approved the proposed form, function, and process for appointing members to the Predator Policy Workgroup (Exhibit 1). President Baylis expressed support for including Noelle Cremers (California Farm Bureau Federation), Bill Gaines (Gaines & Associates), and Jean Su (Center for Biological Diversity); however, those appointments were not part of the adopted motion. Staff has prepared a draft request for nominations (Exhibit 2) and is seeking direction from WRC on next steps, including timeline and expectations.
   - **Presentation**: N/A
   - **Public discussion:** Please provide your name and the name of any organization you represent, and tell us why you support or oppose these options. You may also use this opportunity to share new ideas for consideration.
   - **Exhibits**:
     1. Predator Policy Workgroup proposal (as adopted by FGC in Aug)
     2. Draft request for nominations
     3. Emails from individuals interested in appointment to the group
     4. Emails from individuals regarding predator management policy and regulation
   - **WRC discussion and direction:**
     1. Timeline for making official appointments to both groups – appropriate deadline for nominations and anticipated time frame for appointments?
     2. What are the specific tasks/issues/concerns that we need the two groups to address?
     3. What is the final work product you are expecting (policy/regulation/statute)?
     4. Who shall direct the work of the groups and how is that managed?
     5. How much input and direction do the co-chairs want to provide and in what way do you want to provide it?
   - **FGC staff recommendation**: That structure, function, and specific tasks for the predator workgroup be clearly identified.

8. New business

FISH AND GAME COMMISSION
2015 MEETING SCHEDULE
www.fgc.ca.gov

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
October 6		**Tribal Committee** Embassy Suites – LAX North 9801 Airport Boulevard Los Angeles, CA 90045
October 7-8	Embassy Suites – LAX North 9801 Airport Boulevard Los Angeles, CA 90045	
November 4		**Marine Resources** Southern California
December 9-10	Town and Country Resort & Convention Center 500 Hotel Circle North San Diego, CA 92108	

OTHER MEETINGS OF INTEREST

Wildlife Conservation Board

- November 19, Sacramento, CA

Pacific Fishery Management Council

- September 11-16, Sacramento, CA
- November 14-19, Garden Grove, CA

IMPORTANT COMMITTEE MEETING PROCEDURES INFORMATION

PERSONS WITH DISABILITIES

These facilities are accessible to persons with disabilities.

1. To request reasonable accommodations for a disability, please contact the California Fish and Game Commission at (916) 653-4899 as soon as possible and no later than five (5) business days prior to the meeting.
2. For persons with a hearing or speech disability, please contact the California Relay Service as soon as possible and no later than five (5) business days prior to the meeting at 1-800-735-2929 (TTY) or 1-800-735-2922 (voice) and request your message be relayed to the California Fish and Game Commission.
3. If a request for an accommodation has been submitted but due to circumstances is no longer needed, please contact the California Fish and Game Commission at (916) 653-4899.

SUBMITTING WRITTEN COMMENTS AND MATERIALS

The public is encouraged to attend Committee meetings and engage in the discussion about items on the agenda; the public is also welcome to comment on agenda items in writing. You may submit your written comments by one of the following methods (only one is necessary): **Email to fgc@fgc.ca.gov; deliver to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or hand-deliver to a Committee meeting.**

Written comments received at the Commission office by **5:00 p.m. on August 27, 2015**, will be made available to the Committee prior to the meeting. Written comments received **between August 27 and 12 noon on September 4, 2015**, will be made available to the Committee at the meeting. **After 12 noon on September 4**, five copies of written comments must be delivered at the meeting, otherwise they will not be made available to the Committee until after the meeting.

The Committee **will not** consider comments regarding proposed changes to regulations that have been noticed. If you wish to provide comment on an otherwise noticed item, please provide your comments during Commission meetings, via email, or deliver to the Commission office.

NOTE: Materials provided to the Committee may be made available to the general public.

SPEAKING AT THE MEETING

Committee meetings operate informally and provide opportunity for everyone to comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:

1. Raise your hand and wait to be recognized by the Committee co-chair(s).
2. Once recognized, please begin by giving your name and affiliation (if any) and the number of people you represent.
3. Time is limited; please keep your comments concise so that everyone has an opportunity to speak.
4. If there are several speakers with the same concerns, please try to appoint a spokesperson and avoid repetitive comments.
5. If you would like to present handouts or written materials to the Committee, please provide five copies to the designated staff member just prior to speaking.
6. If speaking during public forum, the subject matter you present should not be related to any item on the current agenda (public comment on agenda items will be taken at the time the Committee members discuss that item). As a general rule, public forum is an opportunity to bring matters to the attention of the Committee, but you may also do so via email, and standard mail. At the discretion of the Committee, staff may be requested to follow up on the subject you raise.

WHEN WILL MY AGENDA ITEM BE HEARD?
The Committee begins each session at the time listed on the agenda and generally considers each agenda item in the sequence listed, except in extraordinary circumstances.

VISUAL PRESENTATIONS/MATERIALS
All PowerPoint presentations must be submitted by September 4 at 12 noon and approved by the Commission executive director before the meeting.

1. All electronic formats must be Windows PC compatible.
2. Files created on a Mac are not supported.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available.

LASER POINTERS may only be used by a speaker during a presentation.

Sport Fishing Licenses

Calendar Year vs 12 Months

September 9, 2015

Glenn Underwood, Analyst

California Department of Fish and Wildlife

Overview

- Background
- California Sportfishing League Report
- License sales and revenue
- Sport Fish Restoration Grants
- Other states' experiences
- Efforts to increase sales

Background

- Fish and Game Code, Section 7149
- Resident fishing license fee - $47.01
- 1.78 million fishing licenses in 2014
- 39 states have fixed license year
- Legislative interest

CA Sportfishing League Report

- Recommends 12 month license
- Report focuses on resident annual license
- Other annual license types include:
  - Gift vouchers (49,000)
  - Annual lifetime renewals (11,000)
  - Disabled veteran (13,000)
  - Free and reduced-fee (22,000)
- Short term license sales increased

Fishing License Sales Statistics

- Annual license sales
  - Declined 52% since 1980
  - 2.27 million to 1.1 million
  - Declined 4% since 2010
- Total number of fishing licenses
  - Declined 27% since 1980
  - 2.46 million to 1.78 million
  - Declined 1.6% since 2010

Shift Toward Short Term Licenses

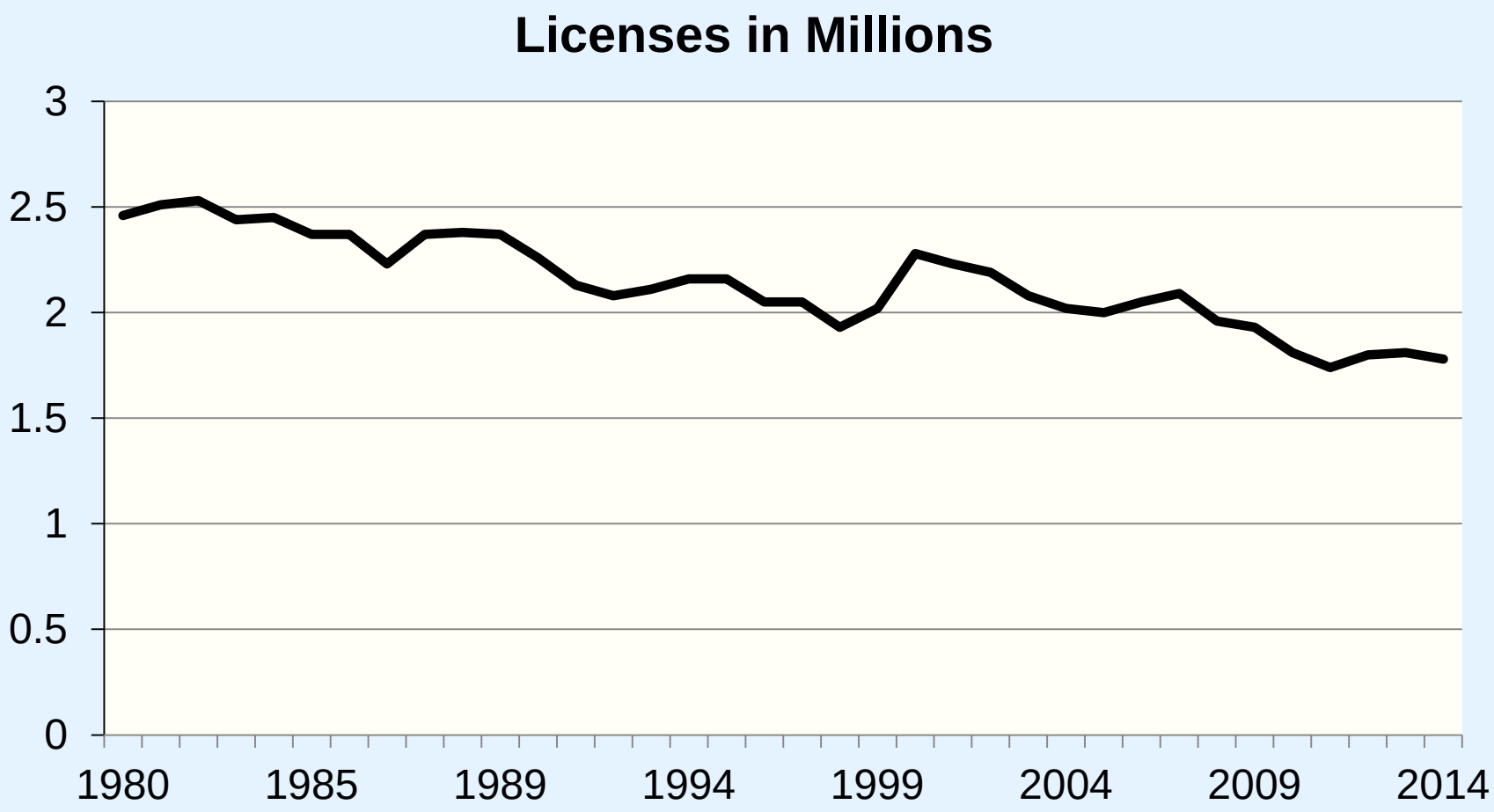
- Ocean only short term licenses in 1980
- Increase in short term license options
- One-day licenses for all waters since 2004
- Short term licenses
    - Increased 306% since 1980
    - 168,000 in 1980 to 684,000 in 2014.

License Revenue

- License revenue has increased
  - 1980 - $21.5 million
  - 2014 - $63.3 million

- License revenue adjusted for inflation
  - 1980 - $61.8 million
  - 2014 - $63.3 million

All Sport Fishing Licenses



Report Cards and Validations

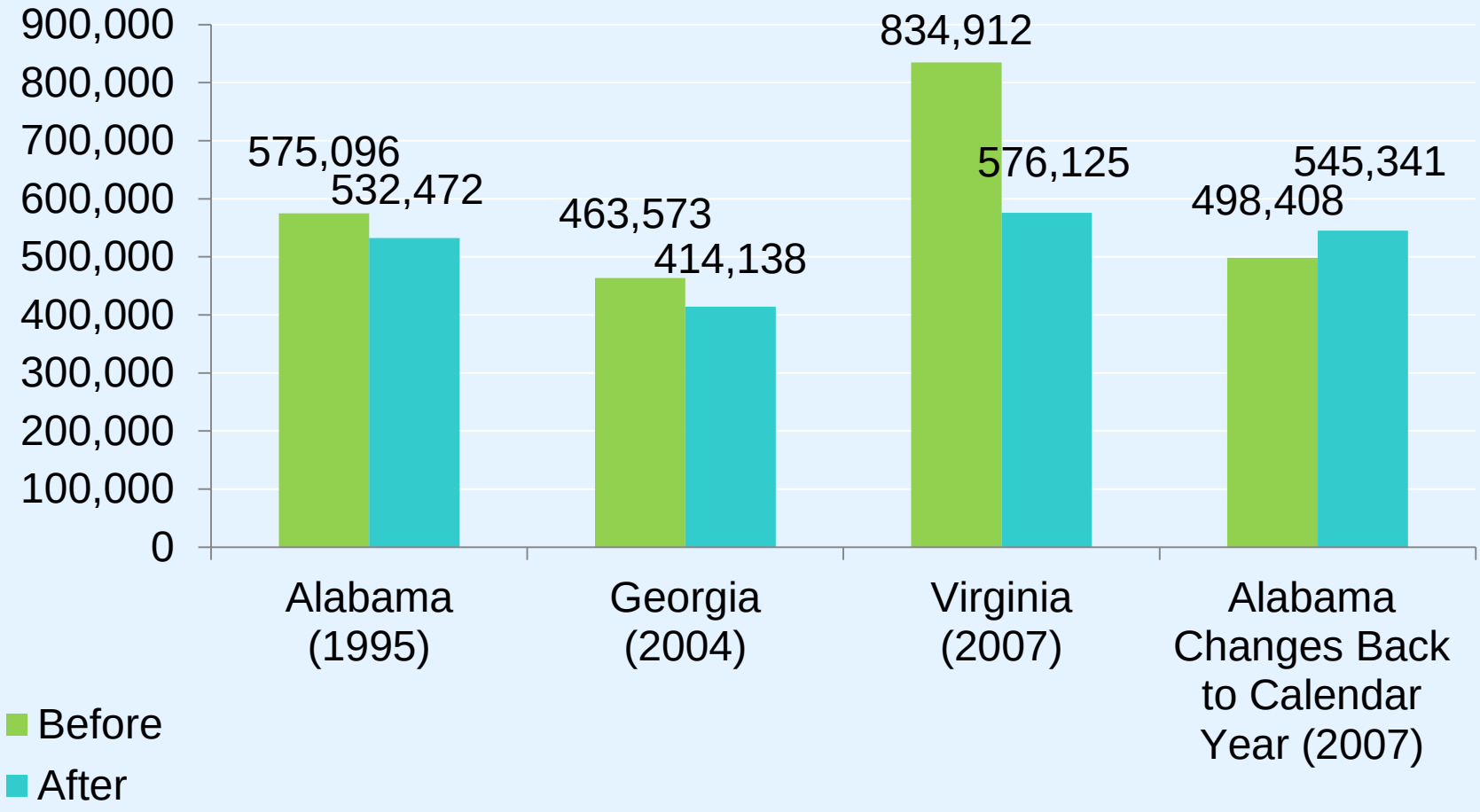
- Report card data collected for regulations
- Report cards must be returned at the year’s end
- Have a set expiration date
- Different validity dates cause confusion
- Regulation change

Sport Fish Restoration Grants

- Federal funding from excise tax
- Based on state size and licensed individuals
- CA received maximum grant of 5%
- $17.3 million in 2015
- Small reduction in licenses = large reduction in grant money ($2.7 - $4.5 million)
- Sales relative to other states

Other States' Experience

3-Year Average Before and After



Neighboring States' Participation

	1991 Percent of Population Fishing	2011 Percent of Population Fishing	Percent Change
California	12	6	-50%
Oregon	24	13	-46%
Nevada	18	8	-56%
Washington	26	17	-35%
Arizona	14	12	-14%

Data from *National Survey of Fishing, Hunting and Wildlife-Associated Recreation*

Efforts To Increase License Sales

- Fishing in the City Program
- Fishing Passport
- Developing e-mail renewal reminders
- Market California sport fishing opportunities
- Research alternatives

Summary

- Annual license sales are gradually declining
- Fishing rates dropping elsewhere
- Short term licenses increased significantly
- 365 day licenses have reduced sales in other states
- E-mail renewal reminders and marketing are being developed

Thank You ◈ Questions?

Glenn Underwood
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License and Revenue Branch
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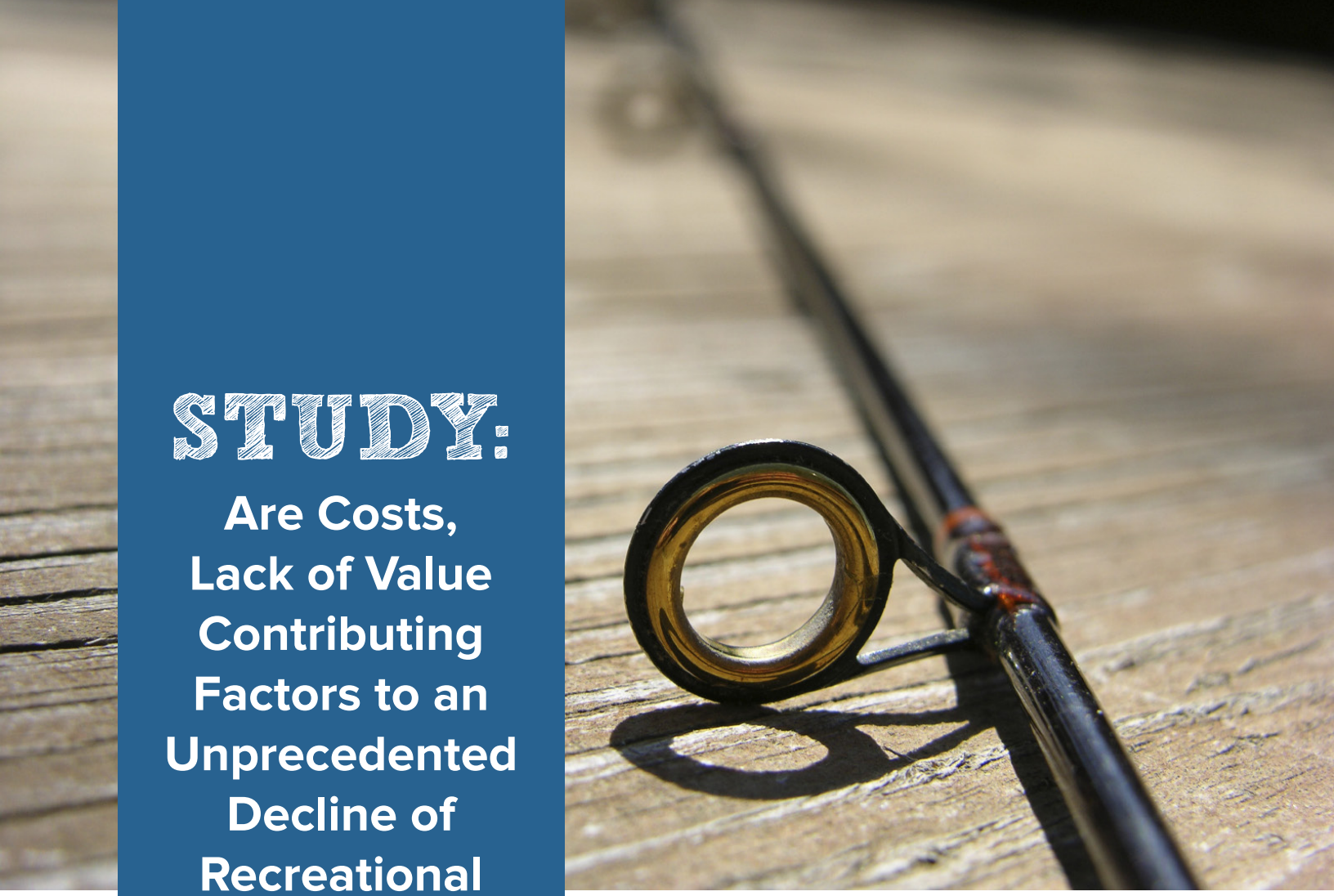


STUDY:

Are Costs, Lack of Value Contributing Factors to an Unprecedented Decline of Recreational Fishing in California?

CALIFORNIA SPORTFISHING LEAGUE

Presented by the
California Sportfishing League

March 23, 2015

/CASportfishingLeague

The California Sportfishing League (CSL) is a nonprofit coalition of fresh and saltwater anglers, and small business owners devoted to protecting access to recreational fishing. Recreational fishing contributes over $4.9 billion annually to California's economy, supporting outdoor tourism and jobs, and generates a substantial amount of tax revenue for state and local government. For more information, visit **www.SportfishingConservation.org**

INTRODUCTION

The California Sportfishing League (CSL) is the state's leading advocate for salt- and freshwater recreational fishing. With over 10,000 Facebook Fans and growing, CSL actively engages California anglers on various public policy issues concerning recreational fishing. Chief among anglers' many concerns is the future of recreational fishing and the high costs associated with their favorite pastime.

The posts on CSL's Facebook page are clear: California's recreational anglers have become increasingly frustrated with the state for increasing the cost of fishing, all the while imposing greater barriers to access, and constantly adding new and burdensome regulations.

Based on the number of concerns expressed, CSL chose to investigate whether or not the cost of fishing licenses in California was truly too expensive in comparison to other states. Are California licenses a good value? Are costs discouraging participation? If so, what are the consequences for the long-term future of recreational fishing, and the jobs and communities dependent on it?

The results were just as much surprising as they were alarming, and they underscored the need for CSL to release its findings to the public — especially if recreational fishing is to be an affordable form of family recreation, a source of food for the table, and a creator of jobs.

METHODOLOGY

CSL conducted a state-by-state analysis to measure the value of state "**annual**" fishing licenses. CSL did not compare "reduced-fee" licenses, as the terms and definitions differ from state to state, and annual licenses represent the most common license purchased. For example, California offers lifetime licenses and discounts for seniors, veterans, youth and disabled Americans.

CSL found the cost of a resident annual fishing license and term of license (12-month v. calendar year) on each state's individual website or by directly calling state fish and wildlife offices.

By using U.S. Census data,[1] CSL compiled all state participation rates by combining the study's "Fished Only" and "Fished and Hunted" percent of population. This number is reflected as "Participation Rate."

Our analysis below defines "**value**" as the price and term of the annual state license (12-month vs. calendar year).

FINDINGS

California Anglers Are Experiencing High Costs

In 1980, California's annual fishing license fee was a mere $5.00.[2] Today, California's annual resident fishing license is the second highest in the Country,[3] at $47.01 for a base "annual" license,[4] excluding permits and stamps that a substantial number of anglers are required to purchase throughout the year. If an angler purchased every available permit and stamp to catch all the various fish in California, fees could exceed $120 per calendar year.[5] The price to fish for a family of four, excluding cost for tackle, transportation, food or lodging can easily cost several hundred dollars or more.

> "It's simply TOO EXPENSIVE to buy a license anymore!"
>
> - Central Valley Angler on f

California's "annual" base residential license is 66% above the average fishing license cost of all coastal states ($28.30) and 76% above the average fishing license cost for all states ($26.73),[6] and these figures do not include the extra fees California requires for additional permits.

Only the State of Washington surpasses California for the priciest fishing license in the U.S., at a cost of $54.25 per year for a salt/freshwater combo, and Washington also operates under a calendar system. However, the state does present price conscious anglers greater choices by offering the option of purchasing a freshwater-specific license for $29.50 or a saltwater-specific license for $30.05.[7] With exception to mostly shellfish and fishing on the Columbia River, the state also appears to mandate fewer permits than California.[8] All these options may be contributing factors to why Washington's fishing participation rate is 17%, or nearly three times that of California.[9]

California's So-Called "Annual" License Provides Least Bang for the Buck

Value is just as important to anglers as cost. So, what are they getting for their money?

The California Department of Fish and Wildlife (DFW) offers what they call an "**annual**" fishing license. However, California's annual fishing licenses operate on a calendar system, which expires on December 31 of every year, regardless of when purchased.[10] In reality, an annual license can expire just months after being purchased. It is truly an antiquated system that motorists would never tolerate if the Department of Motor Vehicles applied the same system to car registration fees.

While 13 other coastal states practice such a calendar system, their annual fees are significantly less expensive, with one state offering a calendar year fishing license for a mere $8.50.[11] In fact, when compared to all states offering a calendar year license, California's license costs 84% above the national average price ($25.52).[12] Again, these figures do not include the extra fees for additional permits.

> "A good change would be to have a YEAR'S worth of use from the date purchased!"
>
> - California Angler on f

Even if a California angler is cost conscious or fishes infrequently, California's two-day license costs $23.50 (not including additional permits/stamps),[13] or more than the annual resident license offered in 19 other states and just half the cost of California's annual license.[14]

According to the most recent records available, DFW sold approximately 445,000 two-day fishing licenses[15] at a cost of $9.50 in 1999.[16] By 2015, the number of 2-day licenses plummeted 78% to approximately 96,000.[17] California also offers a lifetime license, with no expiration date. Its sales have been fairly consistent at roughly 11,000 since 2009.[18] If it was the state's goal to maintain fishing participation rates by offering lifetime and short-term licenses at a lower cost, that goal has not been achieved.

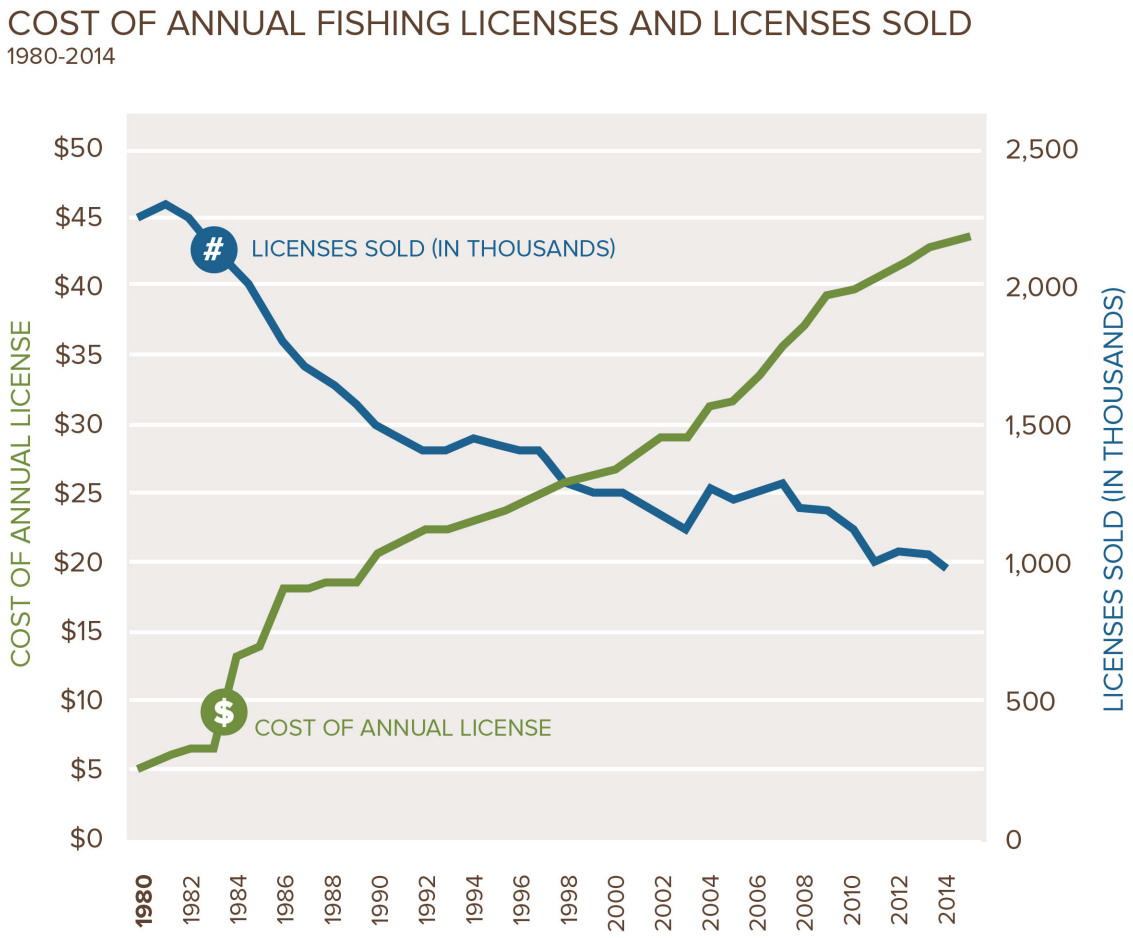
> "Look at the cost from $5 a couple decades ago to getting close to $100 when all the bells and whistles are included. Then there are all the complex and confusing regulations."
>
> - Santa Rosa Angler on f

As is the case in Washington, it is also important to note that several coastal states (9) sell saltwater and inland fishing licenses separately, providing considerable savings depending on one's fishing preference.[19]

Higher fees have not benefitted the state's fish stocking programs, as it has been widely reported that DFW is struggling to finance these programs. Much to the dismay of several rural counties dependent on fishing for outdoor tourism and tax revenue,[20] DFW announced in November of 2014 that it was reducing the average size of stocked trout by half due to budget constraints.[21]

Furthermore, fishing license fees have been subsidizing the cost of regulating the state's commercial fishing industry as far back as 2007, which is disingenuous to anglers at best, and potentially unlawful at worst.[22] If such funds were allocated properly, an additional $17 million a year, or more, could be invested in the state's fishing programs.

CONSEQUENCES OF HIGH COSTS



Unprecedented Decline in Recreational Fishing

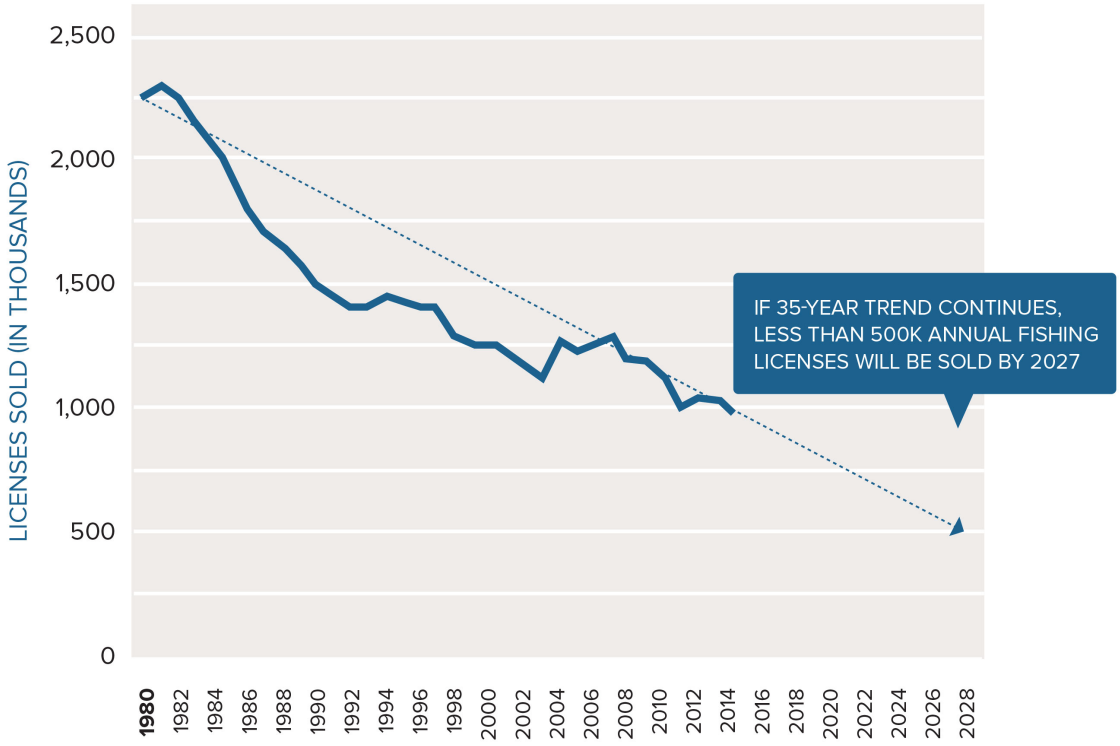
Despite one of the country's longest coastlines; 4,000 thousand lakes/reservoirs and over 20,000 registered ponds; and thousands of miles of streams and rivers; California has experienced an unprecedented decline in recreational fishing.

According to the U.S. Census, 10% of California's population fished in 2001,[23] tied for the 46th place in participation.[24] Ten years later, California's fishing participation rate plummeted to just 6%[25] and ranks dead last in the nation.[26]

Since 1980, when annual licenses were sold for as little as $5.00, California's annual fishing license sales have dropped by more than 55% (1980: 2.26 million[27]; 2014: 990k[28]), while our state's population has increased by nearly 60%. In 2014, 40,000 fewer annual fishing licenses were sold compared to 2013.[29]

If the 35-year trend remains constant, annual fishing license sales are expected to drop below 500k by 2027, or another 49% over the next 12 years. Should this occur, between 1980 and 2027, annual license sales will have dropped 78%.[30] This downward trend could accelerate even faster if fees are increased substantially, or new regulations are imposed that increase costs or barriers to fishing.

ANNUAL FISHING LICENSES SOLD



Other Contributing Factors

In addition to expensive fishing licenses, there are many other economic factors and social reasons as to why fishing participation in California has decreased dramatically. While not the subject of this study, it is important to underscore that restructuring California's fishing fees alone may not stop fishing's declining participation rate. There is little doubt that regulatory barriers to access are also major contributing factors to California's accelerated decline in fishing.

These barriers include, but are not limited to: Marine Protected Areas (MPAs) that deny recreational anglers access to approximately 800 square miles of California coast (even though commercial fishing is the greatest cause of overfishing); outright fishing bans and illegal local fishing ordinances; new burdensome regulations; and fewer resources spent on state conservation programs that protect wildlife and stock fish.

A CALL TO ACTION

If California's policy makers continue to ignore these facts, they stand to harm the state's economy and specifically, the communities and businesses dependent on outdoor recreation and tourism for jobs.

While our state's fishing participation rate is ranked last, the 2010 U.S. Census reports that California is still home to roughly 1.7 million anglers,[31] one of the largest consumer markets in the country. As a result, recreational fishing contributes over $4.9 billion annually in economic activity,[32] while commercial fishing only generates an estimated $1.7 billion in economic activity.[33]

This is why so many fishing tackle manufacturers, boating and outdoor apparel companies were founded here in California, and why so many more find California to be a lucrative consumer market. What's more, fishing makes California an attractive destination for tourists who spend millions of dollars each year to visit our communities. But, this is likely to change.

High costs are barriers for all forms of outdoor recreation, but it is abundantly clear that the significant decline in recreational fishing will continue, especially as fewer young people select fishing as a form of outdoor recreation. This point is underscored by a study commissioned by the American Sportfishing Association, which found that 71% of anglers first started fishing when they were under 18 years old.[34] Fishing's future is dependent on more young people being introduced to fishing, and the best way to do that is to make it more affordable for families.

Hispanics, California's fastest growing demographic, cannot be ignored, either. A market study prepared for the Recreational Boating and Fishing Foundation found that recreational fishing's costly barriers to entry are directing Hispanics to other more affordable forms of outdoor recreation.[35]

CONCLUSION

The high costs and lack of value of a California fishing license, combined with high regulatory barriers, have contributed to an unprecedented decline of recreational fishing in the state.

CSL's analysis validates the concerns raised by our Facebook Fans. It is expensive to fish in California and ranks second only to Washington for the most expensive state to fish both salt- and freshwater. However, one can also make a strong case that California is comparatively more expensive than Washington since California requires a substantial number of anglers to purchase additional permits. California also does not offer the option of purchasing a saltwater or freshwater license separately, at a reduced rate.

Combine the high costs with an antiquated calendar-year license system, and California provides the least value to anglers in the United States. As a result, fewer Californians are being introduced to fishing and many more no longer participate in a great form of family-oriented outdoor recreation.

The dramatic downward trend in the number of annual state licenses sold should be a wakeup call for California policy makers. If the State of California sees the value of recreational fishing and outdoor tourism, it needs to offer a better value and remove unwarranted barriers to access in order to pull fishing participation out of its inevitable death spiral.

The important question CSL cannot address is whether policymakers will recognize that costs and barriers to entry are truly a threat to recreational fishing in a state with an abundance of natural resources, and for an economy heavily dependent on a $95 billion tourism industry.

RECOMMENDATIONS

The Department of Fish and Wildlife should conduct a full evaluation of its current licensing structure in order to develop a new one that not only ensures that recreational fishing is affordable and accessible, but also supports fishing and wildlife programs for years to come.

With even lower participation rates anticipated in the immediate future, fewer anglers will be financing fish stocking and conservation programs that are becoming more costly. Taking into account CSL's analysis, higher fees are not a realistic solution to generate greater revenue for the state. Higher costs and poor value will only encourage more anglers to abandon fishing and raise barriers to entry, putting critical fishing and conservation programs at further risk.

Given this reality, the need for full-scale reform is immediate.

Controlling Costs and Increasing Value for Longtime/First Time Anglers

- Establish a full 12-month annual fishing license.
- Suspend automatic cost of living adjustments (COLA) on fishing licenses.
- Consider a family pack license fee, making fishing more affordable for California families.
- Establish a low cost, junior fishing license, for those aged 16 and 17, similar to California hunting licenses.
- Ensure that recreational fishing license fees no longer subsidize the cost of regulating the California commercial fishing industry.

Reducing Regulatory Costs

- Exempt recreational anglers from fishing restrictions that were intended to address unsustainable commercial fishing practices and destructive gear.
- Eliminate fishing restrictions that have insignificant impacts on wildlife.
- Eliminate illegal fishing restrictions imposed by local governments, such as limits or bans on pier fishing and jetties.
- Oppose efforts to regulate or ban common fishing gear that have an insignificant impact on wildlife, but could substantially increase the cost of equipment or require impractical substitute gear.

The California Sportfishing League is pleased to have shared these findings with California's fishing community and policymakers, and remains committed to working with them to ensure a strong future for recreational fishing in California.

PROUDLY SUPPORTED BY:

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FISHING LICENSE DATA BY STATE

State	2011 Participation Rate	2011 U.S. Ranking	Resident Adult Cost	Annual vs. Calendar
Alabama	14%	30	Fresh $12.85/Salt 22.60	Calendar/expires Aug 31
Alaska	41%	1	$25.00	Calendar/expires Dec 31
Arizona*	11%	40	$37.00	12 months
Arkansas*	21%	10	$10.50	12 months
California	6%	49	$47.01	Calendar/expires Dec 31
Colorado*	17%	19	$36.00	Calendar/expires Mar 31
Connecticut	13%	33	$32.00	Calendar/expires Dec 31
Delaware	13%	33	$8.50	Calendar/expires Dec 31
Florida	14%	30	Fresh $17.00/Salt $17.00	12 months
Georgia	11%	40	$9.00	12 months
Hawaii	11%	40	Free	No licenses required
Idaho*	24%	8	$25.75	Calendar/expires Dec 31
Illinois*	13%	33	$15.00	March of following year
Indiana*	15%	27	$17.00	Calendar/expires Mar 31
Iowa*	22%	9	$19.00	Calendar/expires Dec 15
Kansas*	20%	13	$20.50	Calendar/expires Dec 31
Kentucky*	15%	27	$20.00	Calendar/expires Feb 28
Louisiana	21%	10	$9.50	Calendar/expires Jun 30
Maine	19%	15	$25.00	Calendar/expires Dec 31
Maryland	10%	44	Fresh $20.50/Salt $15	Calendar/expires Dec 31
Massachusetts	8%	47	Fresh $27.50/Salt $10	Calendar/expires Dec 31
Michigan*	18%	17	$26.00	Calendar/expires Mar 31
Minnesota*	32%	2	$22.00	Calendar/expires Feb 28
Mississippi	27%	3	Fresh $32/Salt $10	12 months
Missouri*	19%	15	$12.00	Calendar/expires Feb 28
Montana*	25%	7	$26.00	Calendar/expires Feb 28
Nebraska*	14%	30	$28.50	Calendar/expires Dec 31
Nevada*	8%	47	$29.00	Calendar/expires Feb 28
New Hampshire	16%	25	Fresh $35/Salt $11	Calendar/expires Dec 31
New Jersey	10%	44	$22.50	Calendar/expires Dec 31
New Mexico*	15%	27	$25.00	Calendar/expires Mar 31
New York	12%	38	$25.00	12 months
North Carolina	18%	17	Fresh $20/Salt $15	12 months
North Dakota*	N/A	N/A	$17.00	Calendar/expires Mar 31
Ohio*	16%	25	$19.00	Calendar/expires Feb 28

State	2011 Participation Rate	2011 U.S. Ranking	Resident Adult Cost	Annual vs. Calendar
Oklahoma*	26%	5	$25.00	Calendar/expires Dec 31 OR June 30
Oregon	13%	33	$33.00	Calendar/expires Dec 31
Pennsylvania*	10%	44	$21.70	Calendar/expires Dec 31
Rhode Island	11%	40	$18.00	Calendar/expires Feb 28
South Carolina	17%	19	Fresh $30/Salt $10	12 months[a]
South Dakota*	26%	5	$30.00	Calendar/expires Jan 31
Tennessee*	17%	19	$28.00	Calendar/expires Feb 28
Texas	13%	33	$40.00	12 months
Utah*	17%	19	$34.00	12 months
Vermont*	20%	13	$25.00	Calendar/expires Dec 31
Virginia	12%	38	$44.50	12 months
Washington	17%	19	$54.25[b]	Calendar/expires Mar 31
West Virginia*	17%	19	$19.00	Calendar/expires Dec 31
Wisconsin*	21%	10	$20.00	Calendar/expires Mar 31
Wyoming*	27%	3	$24.00	Calendar/expires Dec 31

* Inland State
a. Changed from calendar year to 12-month license in 2015
b. WA also offers separate fresh and saltwater licenses for $29.50 and $30.05, respectively.

California Outdoors Q&As

Contact: Carrie Wilson, Communications Office, CalOutdoors@wildlife.ca.gov

Why Don't Licenses Run Annually from Date of Purchase?

Posted on April 2, 2015 by California Outdoors

Q: Why do fishing licenses run from Jan. 1 through Dec. 31 every year rather than from the date of purchase? For example, a person buys his/her license Dec. 1 only to find it expires the end of the month. Then by Jan. 1, they must purchase a new license for the full price. Why not let it go for one full year from the date of purchase? Hunting licenses also run from July 1 through June 30 of the next year. I think license sales would greatly improve if they were changed from date of purchase to the next year. Can someone give a rational answer, please?
— Alan E., Los Angeles

A: California has considered changing from a calendar-based sport fishing license to a license that is valid for one year from the date of purchase. But while this seems beneficial, when we looked at the issue thoroughly, we realized that changing to a license that is valid for one year from the date of purchase would significantly reduce funding for the California Department of Fish and Wildlife.

According to CDFW License Program analyst Glenn Underwood, several other states have made the change to a license that is valid for one year from the date of purchase. So, we contacted these other states to learn from their experiences. We found states that changed from a calendar year license to a license that is valid for one year from the date of purchase experienced a reduction in license sales from 10 to 30 percent in the three years following implementation. Experts from these states explained license purchasing patterns changed when the license system changed to one year from the date of purchase licenses. Customers tended to wait until the last minute to purchase a license, as they knew it would be valid for one year from that date. Then when their licenses expired, customers again waited to renew until they fished again, creating a gap in licensure. After a few years, the sum of the gaps was often greater than a year and a complete license sale was lost.

Changing to a license that is valid for one year from the date of purchase would also reduce federal grant funding. Each state in the country receives federal grant money from the Sport Fish Restoration Act, which is funding generated from federal excise tax on sales of sport fishing tackle and motorboat fuels. This program funds critical fish habitat restoration projects throughout the state, providing increased fishing opportunities for California anglers. A tiered system is used to allocate grants to the states. In 2014, California received the maximum grant of $16,287,011, which is 5 percent of the total available to all the states. Federal SFRA grant amounts are based partially on the number of licenses issued in each state. **If California license sales declined by as little as 3 percent, California's grant would be reduced to a lower tier and the grant amount would be reduced by approximately $2.7 million to $4.5 million, further reducing CDFW's ability to manage and protect California's fisheries.**

So, while we realize your license restructuring suggestion is popular, it would create a significant reduction in license revenue and sport fish grant funding for CDFW. The resulting reduction in revenue and grant funding would reduce the CDFW's ability to manage and protect California's fisheries; and it would reduce the number of fish CDFW could plant for California anglers.

Supporters of SB 345 – Sportfishing Stimulus Act

Outdoor Organizations

- CA Sportfishing League
- American Sportfishing Association
- National Marine Manufacturers Assoc.
- CA Assoc. for Recreational Fishing
- CA Yacht Brokers
- Marina Recreation Assoc.
- Worldwide Boater Safety Assoc.
- Los Angeles Rod & Reel Club
- CA Aquaculture Association
- Coastal Conservation Assoc. of CA
- CA Waterfowl Assoc.
- Fish Sniffer Magazine
- Western Outdoor News

Businesses

- Pure Fishing
- Turner's Outdoorsman
- California Parks Company
- Lip RipperZ, Inc.
- Tackle Warehouse
- Eagle Claw Fishing Tackle Company
- Fred Hall Tackle Shows

*"**Increasing the number of licenses sold will help fund important wildlife and conservation programs** that make recreational fishing in California a tourist attraction."*

- *CA Chamber of Commerce*

*"SB 345 would **help to protect and encourage recreational fishing** in California."*

- *CA Parks and Hospitality Assoc.*

Business & Tourism Organizations

- California Chamber of Commerce
- NFIB/CA
- California Asian Pacific Chamber of Commerce
- CA Hotel and Lodging Assoc.
- CA Travel Assoc.
- CA Assoc. of RV Parks and Campgrounds
- CA Assoc. of Boutique and Breakfast Inns
- CA Parks Hospitality Assoc.
- San Francisco Chamber of Commerce
- Visit Huntington Beach
- CA Lodging Industry Assoc.
- Sacramento Metropolitan Chamber of Commerce
- Oxnard Chamber of Commerce
- San Diego Chamber of Commerce

Local Gov.

- Rural Counties Representatives of CA (RCRC)

*"**SB 345 is a logical solution** to not only protecting, but growing, recreational fishing's $4.9 billion annual contribution to CA Economy and the jobs that depend on it"*

- *CA Sportfishing League*

*"As a means to increase tourism and create jobs, the State of **California needs to consider expanding participation** in recreational fishing.*

- *NFIB/CA*

Over 500 CA Anglers Have Joined our Efforts to Reform CA's Fishing License… You Can Too!

www.SportfishingConservation.org

Updated 5.15.15

From:	sally wdog
To:	FGC
Subject:	Fishing License ripoff
Date:	Sunday, July 19, 2015 8:41:38 AM

To whom it may concern or someone that can make a difference,

At the current price of a California fishing license its time to at least give us a little break.
If Arizona can go to one year from purchase date so can California.

Also after raising two kids in California fishing and hunting why is it your an adult at 18 but you have to buy an adult fishing hunting license at 16. More financial burden for the parents.

The California duck stamp is of course now more then the federal stamp.

Dollar for each waterfowl draw date what a cash cow.

And where does the money go to the general fund.

Pathetic California

From: Don Johnson
To: FGC
Subject: CA hunting and fishing licenses
Date: Tuesday, August 25, 2015 7:56:12 AM

As the new California hunting and fishing licenses are computer generated it would be a great time to switch to the licensseing system used in Arizona.

In Arizona when a license is purchased the license has an expiration date of 1 year from the purchase date. This gives the purchaser a full year of license use for his fee. If the rules or regulations change during that year it is up to the purchaser to stay current with the new regulations.

In California if you do not purchase your license on the first day they are available you do not receive full year of license use for your fee.

It is time to stop “short-changing” California’s sportsman.

Donald Johnson
[redacted]
Cerritos, CA 90703

Wild Pigs

A Tasty Problem

Presented to the California Fish and Game Commission
Wildlife Resources Committee by Commission Staff
September 9, 2015

Wild Pigs

- Valued game animal
  - Sport and food
  - Ranch income
  - DFW revenue
- Pest for many landowners
  - Property damage
- Not native to California
  - Habitat destruction

Current Legal Status – Depredation

- Landowners may kill as depredators
  - May kill any number and at any time
  - Permit and reporting requirements
  - May discard

(Fish and Game Code, sections 4181, 4181.1, 4181.2, 4188; and California Code of Regulations, Title 14, Section 401)

Current Legal Status – Hunting

- Licensed hunters may take as game animal with tags
  - No limit on kill, but only during daylight hours
  - May not waste

(Fish and Game Code, sections 4188, 4650-4657; and California Code of Regulations, Title 14, sections 368, 708.13)

Problem?

- Depredation control burdensome for some landowners
- Permit and reporting requirements for depredation seen as unnecessary

Assembly Bill 2268 (2015)

- Introduced by Assembly Member Bigelow to resolve depredation concerns
- Failed to reach agreement on solution
  - Sportsmen feared loss of DFW revenue and status as game animal
  - Some public feared would cause senseless killing
  - Would require using revenue to compensate landowners

Potential Answers?

- Keep wild pig as game animal
- Replace hunting tags with endorsement
- Eliminate depredation reporting and permit requirements
- Revise Commission Policy on Wild Pigs

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL No. 290

Introduced by Assembly Member Bigelow

February 11, 2015

An act to amend ~~Section 3953 of~~ *Sections 714, 3953, 4181, 4181.1, 4188, 4650, 4654, and 13005 of, to repeal Sections 4181.2, 4656, and 4657 of, and to repeal and add Sections 4651, 4652, 4653, and 4655 of,* the Fish and Game Code, relating to mammals.

LEGISLATIVE COUNSEL'S DIGEST

AB 290, as amended, Bigelow. Game mammals: ~~Big Game Management Account.~~ *wild pig depredation.*

(1) Existing law defines the term "wild pig" for purposes of managing, taking, or hunting that species.

The bill would also define "pigs" and prohibit the release of pigs into uncontrolled areas. The bill would provide that an area shall be deemed controlled if the pigs are regularly cared for and enclosed by a lawful fence, as defined. The bill would provide that an owner of a pig that escapes from a controlled area who has complied with this provision is not deemed to be in violation of any law that prohibits the release of any animal.

(2) Existing law requires the Department of Fish and Wildlife to prepare a management plan for wild pigs and provides that funds deposited in the Big Game Management Account shall be available to the department to be used for, among other things, acquiring land, completing projects, and implementing programs to benefit specified game mammals. Existing law authorizes the department to make grants

to reimburse or enter into contracts or other agreements with nonprofit organizations for these purposes.

The bill would delete the requirement that the department prepare a management plan for wild pigs. The bill would also require an amount of not less than 25% and not more than 40% of funds appropriated to the department from revenue generated from the sale of wild pig validations to be used to remediate land damaged by wild pigs. The bill would also authorize the use of funds from this account for grants and reimbursement to, and contracts with, state and federal land management agencies for projects on lands that are open for hunting.

(3) Existing law requires a person to procure, as specified, either a hunting license and a wild pig tag or a depredation permit in order to take a wild pig. However, existing law provides that any wild pig that is encountered while in the act of inflicting injury to, or damaging or destroying, or threatening to immediately damage or destroy, land or other property may be taken immediately by the owner or the owner's employee or agent, as specified. Existing regulations prohibit a person with a hunting license and a wild pig tag from taking a wild pig between ½ hour after sunset and ½ hour before sunrise.

This bill would revise and recast the provisions applicable to wild pigs by, among other things, replacing the wild pig tag requirement with a validation on the hunting license that would allow for the unlimited take and possession of wild pigs. The bill would set the price of a wild pig validation at $15 for residents and $30 for nonresidents. The bill would prohibit the taking of wild pigs at night unless the department is notified by 3:00 p.m. prior to the planned take or, if the daylight hours before the planned take are not on a business day, by 3:00 p.m. of the last business day before the planned take and the person taking the wild pig possesses a valid hunting license. The bill would provide that the notification provided for the planned take under these provisions applies to the night designated in that notification and the six nights following.

The bill would authorize landowners and lessees and their agents to take wild pigs on land owned or leased by the landowner or lessee without obtaining a hunting license, wild pig validation, or depredation permit if certain conditions exist.

(4) The bill would make other technical and conforming changes to these provisions.

(5) Because the bill would create new crimes, it would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes the Big Game Management Account within the Fish and Game Preservation Fund. Existing law requires revenue from the sale of antelope, elk, deer, wild pig, bear, and sheep tags, be deposited in the Big Game Management Account, except as provided. Existing law requires funds deposited in the Big Game Management Account be expended solely for specified purposes and pursuant to specified limitations. Existing law requires an advisory committee, which includes interested nonprofit organizations that, among other requirements, have goals and objectives directly related to the management and conservation of big game species, review and provide comments to the department on all proposed projects funded from the Big Game Management Account.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: ~~no~~ *yes*.

The people of the State of California do enact as follows:

SECTION 1. Section 714 of the Fish and Game Code is amended to read:

714. (a) In addition to Section 3031, 3031.2, 7149, 7149.05, or 7149.2 and notwithstanding Section 3037, the department shall issue lifetime sportsman's licenses pursuant to this section. A lifetime sportsman's license authorizes the taking of birds, mammals, fish, reptiles, or amphibia anywhere in this state in accordance with law for purposes other than profit for the life of the person to whom issued unless revoked for a violation of this code or regulations adopted pursuant to this code. A lifetime sportsman's license is not transferable. A lifetime sportsman's license does not include any special tags, stamps, or other entitlements.

(b) A lifetime sportsman's license may be issued to residents, as follows:

(1) To a person 62 years of age or over upon payment of a base fee of seven hundred thirty dollars ($730).

(2) To a person 40 years of age or over and less than 62 years of age upon payment of a base fee of one thousand eighty dollars ($1,080).

(3) To a person 10 years of age or over and less than 40 years of age upon payment of a base fee of one thousand two hundred dollars ($1,200).

(4) To a person less than 10 years of age upon payment of a base fee of seven hundred thirty dollars ($730).

(c) This section does not require a person less than 16 years of age to obtain a license to take fish, reptiles, or amphibia for purposes other than profit or to obtain a license to take birds or mammals, except as required by law.

(d) This section does not exempt an applicant for a license from meeting other qualifications or requirements otherwise established by law for the privilege of sport hunting or sport fishing.

(e) Upon payment of a base fee of four hundred forty-five dollars ($445), a person holding a lifetime hunting license or lifetime sportsman's license shall be issued annually one deer tag application pursuant to subdivision (a) of Section 4332 and ~~five~~ *a* wild pig ~~tags~~ *validation* issued pursuant to Section 4654. Lifetime privileges issued pursuant to this subdivision are not transferable.

(f) Upon payment of a base fee of two hundred ten dollars ($210), a person holding a lifetime hunting license or lifetime sportsman's license shall be entitled annually to the privileges afforded to a person holding a state duck stamp or validation issued pursuant to Section 3700 or 3700.1 and an upland game bird stamp or validation issued pursuant to Section 3682 or 3682.1. Lifetime privileges issued pursuant to this subdivision are not transferable.

(g) The base fees specified in this section are applicable commencing January 1, 2004, and shall be adjusted annually thereafter pursuant to Section 713.

(h) The commission shall adjust the amount of the fees specified in subdivision (g), as necessary, to fully recover, but not exceed, all reasonable administrative implementation costs of the department and the commission relating to those licenses.

~~SECTION 1.~~

SEC. 2. Section 3953 of the Fish and Game Code is amended to read:

3953. (a) The Big Game Management Account is hereby established within the Fish and Game Preservation Fund.

(b) Except as provided in Section 709, all revenues from the sale of antelope, elk, deer, ~~wild pig,~~ bear, and sheep tags, including any fundraising ~~tags,~~ *tags and wild pig validations*, shall be deposited in the Big Game Management Account to permit separate accountability for the receipt and expenditure of these funds. Within 30 days of the date of the sale, the selling nonprofit organization shall send the department 95 percent of the total auction sale price of the ~~tag,~~ *tag or validation*, with an itemized receipt showing the sale price and the 5-percent reduction retained by the nonprofit organization as a vendor's fee.

(c) Funds deposited in the Big Game Management Account shall be available for expenditure upon appropriation by the Legislature to the department. These funds shall be expended solely for the purposes set forth in this section and Sections 3951 and 3952, and Chapter 5 (commencing with Section 450) of Division 1, Chapter 7 (commencing with Section 4650), and Chapter 11 (commencing with Section 4900), including acquiring land, completing projects, and implementing programs to benefit antelope, elk, deer, ~~wild pigs,~~ bear, and sheep, and expanding public hunting opportunities and related public outreach. *An amount of not less than 25 percent and not more than 40 percent of funds appropriated to the department from revenue generated from the sale of wild pig validations shall be used to remediate lands damaged by wild pigs.* Any land acquired with funds from the Big Game Management Account shall be acquired in fee title or protected with a conservation easement and, to the extent possible, be open or provide access to the public for antelope, elk, deer, ~~wild pig,~~ bear, or sheep hunting. The department may also use funds from the Big Game Management Account to pay for administrative and enforcement costs of the programs and activities described in this section. The amount allocated from the account for administrative costs shall be limited to the reasonable costs associated with administration of the programs and activities described in this section.

(d) The department may *use funds from the Big Game Management Account to* make ~~a grant~~ *grants* to, reimburse, or enter into ~~a contract~~ *contracts* or other ~~agreement,~~ *agreements*, as defined in subdivision (a) of Section 1571, with ~~a nonprofit~~

~~organization for the use of the funds from the Big Game Management Account~~ *nonprofit organizations or state and federal land management agencies for projects on lands that are open for hunting* to carry out the purposes of this section, including related habitat conservation projects.

(e) An advisory committee, as determined by the department, that includes interested nonprofit organizations that have goals and objectives directly related to the management and conservation of big game species and primarily represent the interests of persons licensed pursuant to Section 3031 shall review and provide comments to the department on all proposed projects funded from the Big Game Management Account to help ensure that the requirements of this section are met. The department shall post budget information and a brief description on an Internet Web site for all projects funded from the Big Game Management Account.

(f) ~~A big game project~~ *Big game projects* authorized pursuant to this section ~~is~~ *are* not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code or Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

(g) The department shall maintain the internal accountability necessary to ensure compliance with the collection, deposit, and expenditure of funds specified in this section.

SEC. 3. Section 4181 of the Fish and Game Code is amended to read:

4181. (a) Except as provided in Section 4181.1, any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, wild ~~pig, wild~~ turkeys, or gray squirrels, may apply to the department for a permit to kill the animals. Subject to the limitations in subdivisions (b) and (d), the department, upon satisfactory evidence of the damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of the animals under regulations adopted by the commission. The permit shall include a statement of the penalties that may be imposed for a violation of the permit conditions. Animals so taken shall not be sold or shipped from the premises on which they are taken except under instructions from the department. No iron-jawed or steel-jawed or any type of metal-jawed trap shall be used to take any bear pursuant to this

section. No poison of any type may be used to take any gray squirrel or wild turkey pursuant to this section. The department shall designate the type of trap to be used to ensure the most humane method is used to trap gray squirrels. The department may require trapped squirrels to be released in parks or other nonagricultural areas. It is unlawful for any person to violate the terms of any permit issued under this section.

(b) The permit issued for taking bears pursuant to subdivision (a) shall contain the following facts:

(1) Why the issuance of the permit was necessary.

(2) What efforts were made to solve the problem without killing the bears.

(3) What corrective actions should be implemented to prevent reoccurrence.

~~(c) With respect to wild pigs, the department shall provide an applicant for a depredation permit to take wild pigs or a person who reports taking wild pigs pursuant to subdivision (b) of Section 4181.1 with written information that sets forth available options for wild pig control, including, but not limited to, depredation permits, allowing periodic access to licensed hunters, and holding special hunts authorized pursuant to Section 4188. The department may maintain and make available to these persons lists of licensed hunters interested in wild pig hunting and lists of nonprofit organizations that are available to take possession of depredating wild pig carcasses.~~

~~(d)~~

(c) With respect to elk, the following procedures shall apply:

(1) Prior to issuing a depredation permit pursuant to subdivision (a), the department shall do all of the following:

(A) Verify the actual or immediately threatened damage or destruction.

(B) Provide a written summary of corrective measures necessary to immediately alleviate the problem.

(C) Determine the viability of the local herd, and determine the minimum population level needed to maintain the herd.

(D) Ensure the permit will not reduce the local herd below the minimum.

(E) Work with affected landowners to develop measures to achieve long-term resolution, while maintaining viability of the herd.

(2) After completing the statewide elk management plan pursuant to Section 3952, the department shall use the information and methods contained in the plan to meet the requirements of subparagraphs (C), (D), and (E) of paragraph (1).

SEC. 4. Section 4181.1 of the Fish and Game Code is amended to read:

4181.1. (a) Any bear that is encountered while in the act of inflicting injury to, molesting, or killing, livestock may be taken immediately by the owner of the livestock or the owner's employee if the taking is reported no later than the next working day to the department and the carcass is made available to the department.

~~(b) Notwithstanding Section 4652, any wild pig that is encountered while in the act of inflicting injury to, molesting, pursuing, worrying, or killing livestock or damaging or destroying, or threatening to immediately damage or destroy, land or other property, including, but not limited to, rare, threatened, or endangered native plants, wildlife, or aquatic species, may be taken immediately by the owner of the livestock, land, or property or the owner's agent or employee, or by an agent or employee of any federal, state, county, or city entity when acting in his or her official capacity. The person taking the wild pig shall report the taking no later than the next working day to the department and shall make the carcass available to the department. Unless otherwise directed by the department and notwithstanding Section 4657, the person taking a wild pig pursuant to this subdivision, or to whom the carcass of a wild pig taken pursuant to this subdivision is transferred pursuant to subdivision (c), may possess the carcass of the wild pig. The person in possession of the carcass shall make use of the carcass, which may include an arrangement for the transfer of the carcass to another person or entity, such as a nonprofit organization, without compensation. The person who arranges this transfer shall be deemed to be in compliance with Section 4304. A violation of this subdivision is punishable pursuant to Section 12000. It is the intent of the Legislature that nothing in this subdivision shall be interpreted to authorize a person to take wild pigs pursuant to this subdivision in violation of a state statute or regulation or a local zoning or other ordinance that is adopted pursuant to other provisions of law and that restricts the discharge of firearms.~~

~~(c)~~

(b) The department shall make a record of each report made pursuant to subdivision (a) ~~or (b)~~ and may have an employee of the department investigate the taking or cause the taking to be investigated. ~~The person taking a wild pig shall provide information as deemed necessary by the department.~~ Upon completion of the investigation, the investigator may, upon a finding that the requirements of this section have been met with respect to the particular bear ~~or wild pig~~ taken under subdivision ~~(a) or (b),~~ *(a),* issue a written statement to the person confirming that the requirements of this section have been met. ~~The person who took the wild pig may transfer the carcass to another person without compensation.~~

~~(d)~~

(c) Notwithstanding Section 4763, any part of any bear lawfully possessed pursuant to this section is subject to Section 4758.

~~(e)~~

(d) Nothing in this section prohibits federal, state, or county trappers from killing or trapping bears when the bears are killing or molesting livestock, but no iron-jawed or steel-jawed or any type of metal-jawed trap shall be used to take the bear, and no person, including employees of the state, federal, or county government, shall take bear with iron-jawed or steel-jawed or any type of metal-jawed traps.

SEC. 5. Section 4181.2 of the Fish and Game Code is repealed.

~~4181.2. For the purposes of this article relating to damage caused by wild pigs, "damage" means loss or harm resulting from injury to person or property. The department shall develop statewide guidelines to aid in determining the damage caused by wild pigs. The guidelines shall consider various uses of the land impacted by pigs.~~

SEC. 6. Section 4188 of the Fish and Game Code is amended to read:

4188. (a) If a landowner or tenant applies for a permit under Section 4181 for ~~wild pigs or~~ wild turkeys, or under Section 4181.5 for deer, the department shall notify the landowner or tenant about available options for allowing access by licensed hunters, including, but not limited to, access authorized pursuant to Article 3 (commencing with Section 1570) of Chapter 5 of Division 2 to control wild ~~pigs, wild turkeys,~~ *turkeys* and deer.

(b) The commission, in lieu of a permit as described in subdivision (a), and with the consent of, or upon the request of, the landowner or tenant, under appropriate regulations, may authorize the issuance of permits to persons holding valid hunting licenses to take wild ~~pigs, wild turkeys,~~ *turkeys* or deer in sufficient numbers to stop the damage or threatened damage. Before issuing permits to licensed hunters, the department shall investigate and determine the number of permits necessary, the territory involved, the dates of the proposed hunt, the manner of issuing the permits, and the fee for the permit.

SEC. 7. Section 4650 of the Fish and Game Code is amended to read:

4650. *(a)* Wild pigs, as used in this ~~chapter, means~~ *code, are* free-roaming pigs not distinguished by branding, ear marking, or other permanent identification methods.

(b) For purposes of this code, pigs are of the species sus scrofa and sus srofa domestica.

SEC. 8. Section 4651 of the Fish and Game Code is repealed.

~~4651. (a) The department shall prepare a plan for the management of wild pigs. Under the plan, the status and trend of wild pig populations shall be determined and management units shall be designated within the state. The plan may establish pig management zones to address regional needs and opportunities. In preparing the plan, the department shall consider available, existing information and literature relative to wild pigs.~~

~~(b) The plan may include all of the following:~~

~~(1) The distribution and abundance of wild pigs, as described in Section 3950.~~

~~(2) A survey of range conditions.~~

~~(3) Recommendations for investigations and utilization of wild pigs.~~

~~(4) Encouraging mitigation of depredation by sport hunting pursuant to this chapter.~~

~~(5) Live trapping and relocation of wild pigs to areas suitable and accessible to mitigation of depredation, with the consent of the landowner and after prior consultation with adjacent landowners who, in the department's opinion may be impacted, pursuant to this chapter.~~

SEC. 9. Section 4651 is added to the Fish and Game Code, to read:

4651. (a) Except as specified in subdivision (b), wild pigs may be taken at any time of the year, and in any number by any person in possession of a valid hunting license and wild pig validation and it shall be unlawful to possess any wild pig without first procuring a wild pig validation pursuant to Section 4654.

(b) Notwithstanding subdivision (a), Section 3007, or any other provision of this code or regulations adopted pursuant to this code requiring possession of a hunting license, a landowner or lessee, or an agent tenant of either the landowner or lessee in immediate possession of written authority from the landowner or lessee, shall not be required to obtain a hunting license, wild pig validation, or depredation permit to take wild pigs on land owned or leased by the landowner or lessee, if that land, or property on that land, is being damaged or destroyed or is in danger of being damaged or destroyed by wild pigs. However, it shall be unlawful to possess any wild pig taken pursuant to this subdivision by any person who does not possess a valid wild pig validation, except a person who took the wild pig pursuant to this subdivision.

SEC. 10. Section 4652 of the Fish and Game Code is repealed.

~~4652. It is unlawful to take any wild pig, except as provided in Section 4181, without first procuring a tag authorizing the taking of that wild pig in accordance with this chapter.~~

SEC. 11. Section 4652 is added to the Fish and Game Code, to read:

4652. (a) Notwithstanding Section 3000, it is unlawful to take any wild pig between one-half hour after sunset and one-half hour before sunrise at the place of the taking, except as provided in subdivision (b) of this section and subdivision (b) of Section 4651.

(b) A wild pig may be taken between one-half hour after sunset and one-half hour before sunrise at the place of the taking, if the department receives prior notice pursuant to Section 4653 and the person taking the wild pig possesses a valid hunting license.

SEC. 12. Section 4653 of the Fish and Game Code is repealed.

~~4653. The department may determine the design and type of information to be included on the wild pig tag and prescribe the procedures for the issuance and use of the tag.~~

SEC. 13. Section 4653 is added to the Fish and Game Code, to read:

4653. (a) A person who intends to take a wild pig between one-half hour after sunset and one-half hour before sunrise shall

provide to the department his or her name and the location where the taking of the wild pig is expected to occur by telephoning the regional office nearest to the location of the expected take no later than 3:00 p.m. prior to the night or morning of the take, or, if the daylight hours before the planned take are not on a business day, no later than 3:00 p.m. of the last business day before the planned take.

(b) The notification provided pursuant to subdivision (a) shall apply to the night designated in that notification and the six nights following.

SEC. 14. Section 4654 of the Fish and Game Code is amended to read:

4654. (a) Any resident of this state, 12 years of age or older, who possesses a valid hunting license, may procure ~~the number of~~ *a* wild pig ~~tags corresponding to the number of wild pigs that may legally be taken by one person during the license year~~ *validation* upon payment of a base fee of fifteen dollars ~~($15), for each wild pig tag.~~ *($15).*

(b) Any nonresident, 12 years of age or older, who possesses a valid California nonresident hunting license, may procure ~~the number of~~ *a* wild pig ~~tags corresponding to the number of wild pigs that may legally be taken by one person during the license year~~ *validation* upon payment of a base fee of ~~fifty~~ *thirty* dollars ~~($50), for each wild pig tag.~~ *($30).*

(c) The base fees specified in this section are applicable to the ~~2004~~ *2015* license year, and shall be adjusted annually thereafter pursuant to Section 713.

SEC. 15. Section 4655 of the Fish and Game Code is repealed.

~~4655. Wild pig tags are valid only during that portion of the current hunting license year in which wild pigs may be taken or possessed in any area of the state.~~

SEC. 16. Section 4655 is added to the Fish and Game Code, to read:

4655. (a) Pigs shall not be released into uncontrolled areas. An area shall be deemed controlled if the pigs are regularly cared for and enclosed by a lawful fence as defined in Section 17121 of the Food and Agriculture Code.

(b) An owner of a pig that escapes from a controlled area who has complied with subdivision (a) shall not be in violation of any law that prohibits the release of any animal.

SEC. 17. Section 4656 of the Fish and Game Code is repealed.

~~4656. Revenues received pursuant to this chapter shall be deposited in the Big Game Management Account established in Section 3953. These funds shall be available for expenditure by the department as set forth in Section 3953. The department shall maintain all internal accounting measures necessary to ensure that all restrictions on these funds are met.~~

SEC. 18. Section 4657 of the Fish and Game Code is repealed.

~~4657. The holder of a wild pig tag shall keep the tag in his or her possession while hunting wild pig. Before the taking of any wild pig, the holder of a wild pig tag, except for wild pig tags issued through the Automated License Data System, shall legibly write or otherwise affix his or her hunting license number to the wild pig tag. Upon the killing of any wild pig, the date of the kill shall be clearly marked by the holder of the tag on both parts of the tag. Before transporting the pig, a tag shall be attached to the carcass by the holder of the tag. The holder of the wild pig tag shall immediately, upon harvesting a pig, notify the department in a manner specified by the commission.~~

SEC. 19. Section 13005 of the Fish and Game Code is amended to read:

13005. (a) Notwithstanding Section 13001, the fees collected from lifetime sportsman's licenses and privileges issued pursuant to Section 714, lifetime hunting licenses and privileges issued pursuant to Section 3031.2, and lifetime sport fishing licenses and privileges issued pursuant to Section 7149.2 shall be deposited as follows:

(1) Twenty dollars ($20) from the initial issuance of each lifetime license shall be deposited in the Fish and Game Preservation Fund for use in accordance with Section 711.

(2) The balance of the fees collected shall be deposited in the Lifetime License Trust Account which is hereby created in the Fish and Game Preservation Fund. Except as provided in this section, that principal amount of the money in the account from the fee for a lifetime license shall not be used, except for investment.

(b) The money in the Lifetime License Trust Account may be transferred and invested through the Surplus Money Investment Fund and all interest shall accrue to the account pursuant to subdivision (g) of Section 16475 of the Government Code.

(c) Upon issuance of a lifetime license or lifetime privilege issued pursuant to Section 714, 3031.2, or 7149.2, the department shall transfer the following amounts from the Lifetime License Trust Account to the Fish and Game Preservation Fund:

(1) Twenty-nine dollars and twenty-five cents ($29.25) for an annual resident hunting license or an annual resident sport fishing license.

(2) Seven dollars and twenty-five cents ($7.25) for a junior hunting license.

(3) Nine dollars and twenty-five cents ($9.25) for one second-rod stamp or validation issued pursuant to Section 7149.4 or ~~Section~~ 7149.45.

(4) Two dollars and fifty cents ($2.50) for one sport fishing ocean enhancement stamp or validation issued pursuant to subdivision (a) of Section 6596 or subdivision (a) of Section 6596.1.

~~(5) Three dollars and fifty cents ($3.50) for one Bay-Delta sport fishing enhancement stamp or validation issued pursuant to Section 7360 or Section 7360.1.~~

~~(6)~~

(5) Three dollars and seventy-five cents ($3.75) for one steelhead trout catch report-restoration card issued pursuant to Section 7380.

~~(7)~~

(6) One dollar ($1) for one salmon punchcard issued pursuant to regulations adopted by the commission.

~~(8)~~

(7) Nineteen dollars and twenty-five cents ($19.25) for a deer tag application issued pursuant to subdivision (a) of Section 4332.

~~(9) Eight dollars and seventy-five cents ($8.75) for five wild pig tags issued pursuant to Section 4654.~~

~~(10)~~

(8) Ten dollars ($10) for one state duck stamp or validation issued pursuant to Section 3700 or 3700.1.

~~(11)~~

(9) Six dollars and twenty-five cents ($6.25) for one upland game bird stamp or validation issued pursuant to Section 3682 or 3682.1.

SEC. 20. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school

district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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May 16, 2014

Mike Gatto
Chair, Assembly Appropriations Committee
State Capitol
Sacramento, CA 95814

RE: Assembly Bill 2268 (Bigelow) - OPPOSE

Dear Assemblymember Gatto,

On behalf of The Humane Society of the United States (HSUS), the nation's largest animal protection organization, I write to request that the Assembly Appropriations committee **refuse to release AB 2268 from the suspense file**.

The HSUS is a stakeholder on wild pig management issues in many states, and we have most recently been involved in efforts to modify state policies in Vermont and New York. In California, we have maintained a proactive and engaged posture with respect to stakeholder dialogue. The HSUS initiated conversations with key NGO stakeholders during 2012 and 2013 in an effort to talk through the problem from various vantage points, learn what other states are doing, review existing science for lessons on what works and what doesn't, and identify our respective "dealbreakers" with regard to any changes in the state's approach. We also met once with Department of Fish and Wildlife (DFW) staff to indicate our interest in working collaboratively on identifying possible effective solutions. During this time, we submitted substantive comments as part of a CEQA process led by California Department of State Parks (CDPR) for a proposed pig eradication project in the San Diego area (a copy of those comments is attached).

When we first discovered that Assemblymember Bigelow intended to amend his spot bill to address this issue, we immediately contacted his office to express our concern, which paralleled the issues described in our letter to him dated April 23, 2014 (attached). At Assemblymember Bigelow's request the bill passed out of the Assembly Water, Parks and Wildlife Committee without amendments as a "work in progress" and that "future substantive amendments may be contemplated." (AB 2268, WPW Analysis). The analysis goes on to state that "[t]he author has been working with stakeholders to see if agreement can be reached on amendments that would lift the restrictions on taking of wild pigs. *The author's office has committed to bring this bill back to this committee for a hearing if substantive amendments are later adopted.*" (Italics in original.)

Assemblymember Bigelow's office held a stakeholder meeting at DFW on May 9, 2014. The meeting agenda stated that the issue AB 2268 is trying to address is to "resolve California's extreme wild pig problem," but no evidence has been provided by DFW, the Farm Bureau, or the Assemblymember's office that the kinds of ideas embodied in the amendments your committee possesses will accomplish that. On the contrary, it is our strong opinion that the proposed policy changes could exacerbate the problem. Rather than address the root causes of

the wild pig populations in California – such as import, transport, and captive hunting preserves – AB 2268 simply makes it easier for private landowners to shoot pigs.

While the proposed policy changes may temporarily relieve a specific landowner's immediate damage issue, it will not reduce the pig population and could actually increase pig presence on public and private lands and cause more serious dispersal of pigs to new areas of California. To the extent that California experiences such continued dispersals, the damage to state parks, wildlife areas, ecological reserves and other public lands may bear the brunt – costing the state untold millions in rehabilitation and mitigation efforts. State funds would be far more wisely spent developing professional plans for targeted – and humane – eradication projects to protect sensitive habitats and special places.

In our stakeholders meeting on May 9th, DFW staff described a change to validation tags as holding the potential to expand pig hunting. One DFW staffperson stated: "The Department always proposes hunting as the first solution to a species overpopulation issue." However, there is strong evidence that more hunting and killing by landowners is unlikely to achieve the desired outcome when it comes to wild pigs. New York state regulators recently banned all hunting and trapping of pigs, stating: "[h]unters have offered to assist our efforts by hunting for boars wherever they occur, but experience has shown this to be counter-productive. As long as swine may be pursued by hunters, there is a potential conflict with our eradication efforts."[1] Texas, which dramatically liberalized the take of wild pigs several years ago, is still only annually hunting less than a third of the number of pigs necessary to just stabilize the wild pig population. Because sport hunting is ineffective at eliminating entire groups of wild pigs in a region, the activity tends to disperse their populations to new areas – actually expanding their range instead of decreasing it. To date the only state that has been successful at lowering their pig population is Kansas, which banned sport hunting and canned/captive hunts of pigs. Cage traps, such as those we have recommended be utilized, are the most effective control method in areas where pig densities are high, and yet AB 2268 makes no mention whatsoever of such options and directs no such activities.

From a fiscal perspective, California will continue to experience damage to sensitive habitats caused by non-native wild pigs who were originally released into the state by escape from farming and hunting operations.[2] While DFW may speculate that they will take in more revenue from the sale of wild pig validation tags, that is conjecture until there is a bona fide analysis to demonstrate as much. The state could very well lose money. Finally, we think AB 2268 proposes a disingenuous funding scheme by simultaneously re-classifying pigs from big game to non-game species *and* yet continuing to funnel tag funds into the Big Game Preservation Fund. AB 2268 does not clearly stipulate that those funds be spent on projects to rehabilitate habitat (public and private) damaged by pigs or on alternative population control methods known to be more effective (e.g., immuno-contraception, targeted colony trapping projects).

The matrix below identifies the specific items that we raised in our April 23rd letter and the degree to which the amendments before you relate to our concerns:

HSUS Concern	Addressed in amendments?
Expressly authorize live traps	No
Prohibit the use of hounds	No
Prohibit the use of snares	No
Prohibit the use of aircraft	No
Prohibit breeding of wild pigs	No
Prohibit transport of wild pigs	No
Prohibit import of wild pigs	No
Prohibit canned/captive hunts	No
Allow funds to be spent on colony trap purchase/loan	No
Not designating funds from non-game pig tags to Big Game account	Yes – and the funds *are* going into the Big Game account
Identify funds to be used on law enforcement and to address problems created by wild pigs (e.g., study of non-lethal options like immunocontraception)	No
Require consistency with lead-free ammunition requirement or require pig carcasses shot with lead to be buried or removed	No
Require hunting license for *all* take	Yes – however, landowners won't be required to have hunting license except for night take

The amendments do nothing to address the need to not just deal with wild pigs on the back end (once they're here and causing damage) but on the front end: by prohibiting new sources of pigs from import, transport, breeding and captive (fenced) hunting operations.

AB 2268 is a bill that's correct in its current form: to require more study. California's wild pig problem is significant enough – and complex enough – to deserve adequate review, discussion and certainly a thorough review and consideration by the Assembly policy committee. More study of the problems pigs are presenting in rural, urban and suburban areas; on public and on private lands. Management options must be studied for their humaneness and their efficacy at truly resolving this problem, rather than liberalizing take in a haphazard fashion that satisfies only an immediate issue in one small area while potentially exacerbating others. One needs only to look to the effort that CDPR went to recently with regard to developing its pig eradication project in the San Diego area to see how much time, effort, resources and stakeholder work is needed. To address the matter through state policy needs more time and thoughtfulness than is available with the time remaining in this legislative session. Make no mistake: if AB 2268 were to become law, there will not be fewer wild pigs in California.

Please do not hesitate to contact me with any questions. We appreciate your humane leadership and commitment to advancing good policy and promoting a fair process.

Sincerely,

Jennifer Fearing
California Senior State Director
916-992-3667 t
jfearing@humanesociety.org e

Attachments

cc: Speaker Toni Atkins
Arnie Sowell, Policy Director, Office of the Speaker
Assemblyman Anthony Rendon, Chair, Water, Parks & Wildlife committee
Diane Colborn, Chief consultant, Water, Parks & Wildlife committee
Assemblymember Frank Bigelow
Chuck Bonham, Director, Department of Fish & Wildlife
Scott Sadler, Lehman, Levi, Pappas & Sadler

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[1] Department of Environmental Conversation Commissioner Joe Martens, as quoted in: http://www.democratandchronicle.com/story/news/local/2014/04/28/new-york-eurasian-boar-eradication-hunting/8414445/

[2] Conservation Biology Institute, "An Assessment of Known and Potential Impacts of Feral Pigs (Sus scrofa) in and near San Diego County with Management Recommendations," prepared for the Nature Conservancy, October 2009.

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Lona Williams

April 23, 2014

Assemblymember Frank Bigelow
State Capitol
Sacramento, CA 95814

RE: Assembly Bill 2268

Dear Assemblymember Bigelow,

On behalf of The Humane Society of the United States, the nation's largest animal protection organization, I write to put our thoughts on the record regarding efforts to change wild pig management approaches in California as they may relate to your ongoing work with AB 2268.

We appreciate the efforts you are making to engage stakeholders to look into this issue. We agree that wild pigs can be problematic; but feel it is important to acknowledge at the outset that they didn't get here on their own, and to stress that this is not a problem unique to California. States have been undertaking a broad array of approaches to reduce pig populations and damage. But to date the only state that has been successful at lowering their pig population is Kansas, which banned sport hunting and canned/captive hunts of pigs. Texas' population persists despite allowing take day and night with automatic weapons and aerial shooting. We should strive to learn from these states' experiences as we venture into any new paradigm here.

As discussions move forward, we think it is important to highlight that any changes to California's wild pig management approach should:

- **Specify allowable methods of take and prohibit inhumane methods** – Authorize the use of live traps (with preference for colony traps over smaller box traps) and gunshot. Specifically prohibit the use of hounds for take, spears and knives (already prohibited), snares, use of aircraft (fixed-wing or helicopters), and other methods not expressly authorized.
- **Prohibit activities which undermine the goal of reducing the population** – Specifically prohibit breeding, transport, import and private hunting operations enclosed by a fence (see http://www.hosshoghunting.com/hunts.html). If pigs are to become a non-game species, then there is not a management objective that is well served by allowing activities that create incentives to continue the proliferation of wild pigs.

- **Direct funds from tags to programs related to pig-related issues** – For example, funds should be allocated to increase law enforcement efforts and/or grants to restore important habitats destroyed by wild pigs or purchase of live colony traps to loan to landowners. If pigs are going to be designated non-game, then it is not appropriate to put the validation tag funds into the big game account. There should be some nexus between the funds collected and the addressing of problems created by the existence of wild pigs, including study of non-lethal options like immunocontraception.
- **Make consistent with current law** – Require non-lead ammunition use and/or require carcasses to be removed or buried prior to July 2019 when all lead ammunition will be prohibited for the take of wildlife statewide.
- **Address public safety concerns** – Require a hunting license for all take, especially if night take is considered. Hunting and firearms safety should be of utmost importance.

I am attaching recent comments we submitted raising concerns about a Department of Parks and Recreation proposal to deal with pig damage issues as a good reference. We have also been involved in similar discussions in other states – notably, New York and Vermont – which have undertaken considerable changes in pig management approaches.

As such, we are happy to continue the dialogue with your office and other stakeholders, and trust that any changes made to AB 2268 to reflect any consensus which can be reached will also have the benefit of being analyzed, vetted and discussed by the Water, Parks and Wildlife committee.

Thank you again for your consideration of our concerns and for including us in your discussions.

Sincerely,

Jennifer Fearing
California Senior State Director
916-992-3667 t
jfearing@humanesociety.org e

Attachment

cc: Members of the Water, Parks & Wildlife committee
Scott Sadler, Lehman, Levi, Pappas & Sadler

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Jonathan M. Ratner
Joshua S. Reichert, Ph.D.
Walter J. Stewart, Esq.
Andrew Weinstein
Jason Weiss
David O. Wiebers, M.D.
Lona Williams

July 8, 2013

Sent via Email (*enviro@parks.ca.gov*)

Luke Serna, Associate Park & Recreation Specialist
2797 Truxtun Road
San Diego, CA 92106

Comments re: CDPR's "NOTICE OF AVAILABILITY AND INTENT TO ADOPT AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED FERAL PIG ERADICATION AND CONTROL PROJECT"

Dear Mr. Serna,

On behalf of the members and supporters of The Humane Society of the United States and The Fund for Animals (collectively "the HSUS"), the HSUS submits the following comments to be considered with respect to the California Department of Parks and Recreation's (CDPR) proposed project regarding the eradication of nonnative feral pigs in San Diego County.

For the following reasons, The HSUS generally supports the CDPR's proposal to address the threats to natural and industrial resources, public health and safety caused by feral pigs. However, we oppose the use of aerial gunning as a control method, and believe that the CDPR's proposal fails to properly consider the use of nonlethal control options as well as a strategy to prevent new populations from forming in the area.

I. Aerial Gunning

Aerial gunning is a wildlife management method that involves shooting animals from low-flying fixed-wing aircraft or helicopters on private and public lands and, The HSUS adamantly opposes the use of aerial gunning as a means of resolving conflicts with wildlife populations because it is unnecessarily cruel, dangerous and costly compared to other wild pig control methods.

Pursuit with low-flying aircraft, and the added intensity of loud gunfire, can physically and psychologically harm both wild pigs and non-target species, resulting in injury (or death), anxiety, stress, and fear. Given how difficult it is to aim at a

moving animal from the air, wounding and crippling rates are likely to be significant. Animals injured in these operations are often left to suffer for hours or days before finally succumbing to their wounds. Not to mention, because these operations may be conducted year round, pregnant or lactating females may be killed leaving their young to starve to death.

Aerial gunning operations are also inherently costly and dangerous activities because it requires highly trained pilots to fly at low speeds and altitudes while in pursuit of targeted animals. Since 1989, USDA-Wildlife Services, a federal agency that conducts predator control operations in the western U.S., has crashed at least 22 helicopters or planes while conducting aerial gunning operations, resulting in at least 7 fatalities and 25 injuries.

For these reasons, we strongly discourage San Diego County from using aerial gunning as a method of controlling the county's wild pig population.

II. Contraception

The concept of managing certain wildlife populations non-lethally, through immunocontraception, is no longer a theoretical construct and has proved highly successful with wild horses, urban deer, wapiti, over 110 different species of zoo animals, and even wild African elephants in South Africa. To be sure, the subject is still controversial and evokes strong reactions from state fish and game agencies, but the record of success is well-documented in the scientific literature. The HSUS and NPS have a history of cooperating on these efforts, including the contraception of wild horses on Assateague Island National Seashore off Maryland and Virginia and of white-tailed deer on Fire Island National Seashore off New York.

The natural history of the feral pig more or less dictates that the contraceptive agent either be administered remotely, through oral delivery, or by dart, or, alternatively, as a permanent sterilant, after capture. While we normally work with contraceptives so that the process is reversible in wild animals if management objectives change, in the case of feral pigs in San Diego county, we suspect that CDPR would be more interested in a permanent sterilant, which would not just stabilize the feral pig population but could, over time, help eliminate reproduction and reduce the current population over time. The HSUS does not necessarily support the notion that feral pigs must be eradicated, but we understand that it may be CDPR's goal and we hope we can work together to make the pursuit of that goal as humane as possible.

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There are a number of potential contraceptive and sterilization approaches available for mammals. Porcine zona pellucida (PZP) vaccines have worked in a variety of species, but because the antigen is derived from the pig, it does not work in pigs. This has been validated by testing in several wild species around the world, without success.

However, one product that is effective in pigs is GonaCon™ is a single-shot, multiyear vaccine that stimulates the production of antibodies that bind to the gonadotropin-releasing hormone (GnRH) in an animal's body. GnRH signals the production of sex hormones (e.g., estrogen, progesterone and testosterone). By binding to GnRH, the antibodies reduce GnRH's ability to stimulate the release of these sex hormones. All sexual activity is decreased, and animals remain in a nonreproductive state as long as a sufficient level of antibody activity is present.

GonaCon™ was developed by the U.S. Department of Agriculture's National Wildlife Research Center (NWRC) in Fort Collins, Colorado. This immunocontraceptive, GonaConTM, has been tested in several mammals, including pigs. In preliminary studies led by Dr. Lowell Miller at NWRC, GonaCon™ has effectively contracepted domestic pigs, feral pigs captured in the United States, and European wild boar captured in England.

Unfortunately, like PZP, GonaCon™ requires periodic booster inoculations and that is probably not a practical approach for wild pigs. Contracepting feral hogs may also be hampered to some extent by the thick undergrowth in which these animals are found, which would make it difficult to deliver a fertility control agent remotely, via darting. However, for the same reason, we suspect that lethal control of feral pigs by shooting would be no less difficult. Feeding stations could be used to draw pigs to a site for darting, though pigs may become wary of feeding stations over time. Therefore, if feeding stations are used to facilitate darting, this technique may have to be combined with other techniques. Contraception or sterilization can also be implemented by delivering the agent to live-captured hogs. This would be a time-consuming approach, but may not take much more time than trapping pigs for lethal removal. As stated previously, we believe the time put into this project would be worthwhile given the development of a model, humane approach to feral pig control which then could be applied elsewhere around the country.

Another promising approach is currently being developed by researchers at Auburn University is an oral/nasal, pig-specific immuno-contraceptive method for controlling wild pig reproduction. Researchers in the College of Veterinary Medicine at Auburn University have identified technologies for blocking the union of the sperm with the egg and thus interfering with

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reproduction. Research studies to date have resulted in patented technologies that strongly suggest that reproduction in pigs can be blocked or substantially reduced by the immuno-contraceptive approach developed by Auburn researchers.

In view of the considerable commercial potential of this technology, Auburn University has formed a public/private partnership with the Auburn Research and Technology Foundation / PhageCon, LLC for the commercialization of the technology developed in this overall project. The necessary elements are in place with the Auburn University/ ARTF / PhageCon, LLC partnership for the successful development and commercialization of the technology that will result in the reduction of wild pig populations and therefore reduce or eliminate the ecological, economic, and health problems associated with the wild pigs. For these reasons, we highly recommend that officials in San Diego County contact researchers at Auburn University to determine if the county would be considered an acceptable test site for this new and innovative product.

III. Use of dogs

The proposal mentions that dogs will be used to locate pigs. The dogs are to be trained only to find and corner the animals, but not to attack. Unfortunately, although these "bay" dogs are not trained to attack, altercations can and likely will occur between the two animals. When cornered, feral pigs may become aggressive and can act unpredictably, putting both species in serious danger. Furthermore, the use of bay dogs can be incredibly stressful and harmful not only to the feral pigs they are chasing, but to non-target wildlife as well. Although eradication of these non-native pigs may be necessary, it should be done in the most humane and ethical manner possible.

IV. Strategies to prevent future proliferation of feral pigs should be considered

Feral pigs are voracious foragers that can wreak substantial ecological damage on natural resources and threaten humans and other animals.[1] The foraging, rooting and wallowing behavior of these animals can cause significant damage to agricultural crops, trees and other plants, and

[1] *See* LeoRoth, *Feral Hogs Damage Property and Wildlife*, ROCHESTER DEMOCRAT & CHRONICLE (Oct. 23, 2011) *available at* http://www.democratandchronicle.com/ article/20111023/SPORTS0103/110230352/1007/SPORTS/Feral-hogs-damage-property-wildlife.

erosion of river and stream banks and destruction of wetlands.[2] In addition, feral pigs proliferate rapidly, and populations of feral pigs and wild boar have exploded in the southern United States over the last two decades.[3] If conditions are right, these animals can breed at six months of age and have three litters a year averaging four-six piglets each litter.[4]

If eradication of a population is truly the goal, it only seems logical to take further steps to prevent future populations from being introduced into the county and state. Wildlife managers in other states have noted that maintenance of wild populations of feral pigs as a game species for purposes of regulated hunting would be problematic, because these animals adapt well to virtually any habitat, compete with native wildlife such as deer, bear, turkey, squirrels and waterfowl for food, and even consume the nests and eggs of native ground-nesting birds and reptiles, fawns and turkey poults.[5] Further, feral hogs and wild boar carry transferrable diseases.[6]

The CDPR's eradication effort will only be effective at preventing these threats if there is not any additional influx of feral pigs into the state, nor additional intentional breeding. Therefore, prohibiting the captive possession, import and breeding of feral pigs is an important step to preventing the threats to natural and industrial resources, public health and safety in the future. California currently has several private hunting preserves that stock these non-native, invasive pigs.[7]

There is substantial evidence that free-roaming feral pig populations are frequently the result of escape or release of animals from these private hunting preserves. A USDA study conducted for New York's Invasive Species Council in 2010 found that "shooting preserves can be a source of feral swine populations that threaten natural resources, agriculture, human health

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[2] Roth, *supra* n.1.
[3] The problems cause by proliferation of feral hog populations have even been highlighted by several major television networks, *e.g.*, ABC Nightline's March 7, 2012 *Extreme Exterminators* segment (http://abcnews.go.com/Nightline/video/extreme-exterminators-hunt-wild-hogs-15874111); and Discovery Channel's *Hogs Wild* television series (http://dsc.discovery.com/tv-schedules/series.html?paid=1.15451.26288.40518.1).
[4] Roth, *supra* n.1.
[5] *Id*.
[6] *Id. See also* Sequoyah NWR, Feral Hog Management Plan (2010) *available at* http://www.fws.gov/southwest/refuges/oklahoma/sequoyah/PDF/2010SequoyahFeralHogPlan.pdf (feral hogs are known to carry at least 13 diseases – including brucellosis, pseudo rabies, tuberculosis, bubonic plague and anthrax – and pose a threat to the health of both humans and other animals); Sabine NWR, Draft Feral Hog Management Plan (2010), *available at* http://www.fws.gov/swlarefugecomplex/pdf/Sabine2010HogPlan.pdf (from October 2007 to September 2008, a total of 223 feral hogs were taken in the refuge complex, and of the feral hogs tested for disease, *nearly half* tested positive for pseudo rabies); USDA-NWDP, Feral Swine Disease Surveillance (Oct. 2011) *at* http://www.aphis.usda.gov/wildlife_damage/nwdp/feral_swine.shtml (Feral swine "can be reservoirs of disease and may act as a host to a number of parasites, leaving the United States domestic swine industry vulnerable to disease.").
[7] See Hoss Hog Hunting Adventures at http://www.hosshoghunting.com/, Broadside Boars Hunting Adventures at http://www.broadsideboarshunting.com/european-hog-hunt.htm, and All Season outfitters at http://www.pig-hunt.com/?page_id=285.

and safety, and property."[8] The study noted that populations of feral pigs in New York state are found near private hunting preserves, and specifically attributed the "source of feral swine populations" in 8 of 10 states to be "game preserve escapees" and/or "hunter releases."[9]

If eradication is the goal, feral pigs should be recognized as injurious species, and by prohibiting import, breeding, and captive possession of these species, California would join a growing list of states and other governmental entities attempting to address the significant threats caused by the escape, release and proliferation of these animals. In the last year alone, New York and Vermont passed legislation prohibiting captive possession and breeding of feral pigs.

Conclusion

To be clear, the HSUS and its members do not support the unregulated killing of wildlife species. We understand the need to prevent threats to natural and industrial resources, public health, and safety caused by the escape, release and proliferation of feral pigs. However, we strongly believe that the CDPR must act to ensure that no more destruction of wildlife occur than is absolutely necessary to address the threats posed. This position also underlies our support for the prohibitions on import, captive possession, and release into the wild of feral pigs, as allowing such activities would substantially increase the risk of further proliferation of these species in the state. This position also reinforces our support of more humane control methods, such as contraception.

Sincerely,

Jennifer Fearing
California Senior State Director
jfearing@humanesociety.org – email | 916-992-3667 – cell

[8] USDA-APHIS, *Status of Feral Swine in New York State*, at 13 (2010), *available at* http://www.pressconnects.com/assets/pdf/CB172981412.PDF.
[9] *Id. at 16-19.*

November 20, 2014

Mr. Sonke Mastrup, Executive Director
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

RE: Gamebird and Mammal Termination of Possession/SB 392 (Berryhill) Implementation

Dear Director Mastrup:

The California Waterfowl Association (CWA) would like to take this opportunity to provide input on the implementation of SB 392 (Chapter 346, Statutes of 2013), which requires that the Commission adopt regulations or recommend legislation to clarify when legally taken gamebirds and mammals no longer count toward a possession limit by processing into food.

CWA supports regulatory efforts to clarify when the processing of game into food results in the termination of possession, and helped sponsor SB 392 when it was debated in the Legislature. We believe such legal clarification will both reduce potential enforcement issues and rightfully promote the consumption of game meat. Currently, some hunters assume that when game has been taken to a residence or processed into food that the possession limit no longer applies. However, because of the particular way the California Fish and Game Code (Section 19) defines "possession limit", any part of legally taken game may still technically count towards one's possession limit.

This expanded definition of the possession limit does not exist in all other states. Washington, for example, defines the possession limit only as "the number of daily limits allowed to be kept in the field or in transit." Texas takes a similar approach: "For all wildlife resources taken for personal consumption and for which there is a possession limit, the possession limit shall not apply after the wildlife resource has reached the possessor's permanent residence and has been finally processed."

It should be noted that, similar to other Fish and Game Code violations, possession limit violations in California are generally prosecuted as misdemeanors. In addition, the Fish and Game Code (Chapter 290, Statutes of 2009) was recently amended to provide for severe penalties for certain possession limit violations. By clarifying when the possession limit is terminated, the Commission can help ensure that hunters do not unwittingly expose themselves to significant legal liability.

Specifically, CWA recommends that the Commission adopt a possession limit cessation regulation (and, if needed, recommend legislation to amend the Fish and Game Code) that includes all of the following elements:

1346 Blue Oaks Boulevard, Roseville, CA 95678
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1. It applies only to the edible parts of legally taken game meat that have been separated from the carcass;

2. It applies only after the game meat has been brought first to a personal abode; and

3. It does not apply to gamebirds or mammals for which there is a season limit.

Since a state possession limit cessation regulation cannot supersede federal migratory bird regulations, CWA would also request that once the regulation is finalized by the Commission (and the Fish and Game Code is amended, if needed), that the Commission send a letter to the Pacific Flyway Council or U.S. Fish and Wildlife Service requesting federal adoption of a similar rule over the possession of migratory birds, particularly waterfowl. While current federal regulations define a "field possession limit" and provide for the "termination of possession", they do not yet specifically and directly address whether or not an individual at his personal abode who has processed legally taken migratory birds into food has terminated his possession.

Thank you for your efforts on this important issue. Should you need further information or have questions about CWA's comments, please contact me at 916-648-1406 x105 or mhennelly@calwaterfowl.org.

Sincerely,

Mark Hennelly, Vice President of Legislative Affairs and Public Policy
California Waterfowl Association

Cc: Mr. Mike Sutton, President, California Fish and Game Commission
Mr. Jack Baylis, Vice President, California Fish and Game Commission
Mr. Richard Rogers, Member, California Fish and Game Commission
Mr. Jim Kellogg, Member, California Fish and Game Commission
Ms. Jackie Hostler-Carmesin, Member, California Fish and Game Commission
Mr. Chuck Bonham, Director, California Department of Fish and Wildlife
The Honorable Tom Berryhill, California State Senate, 14th District

To Possess or Not to Possess

That is the question!

Fish and Game Code, Section 3080(e)

Presented to the California Fish and Game Commission
Wildlife Resources Committee by Commission Staff
September 9, 2015

Background

- Legislature changed possession provisions to allow “super” possessions for certain events
- Legislature also directed the Commission to define when or if game is no longer in possession and instead has been processed into food

Fish and Game Code, Section 3080(e)

- Requires the Commission to recommend legislation or adopt regulations to clarify when a possession limit is not violated by processing into food lawfully taken game birds or mammals.

Staff Recommendation

- Rulemaking to define the transition from game to food when game is processed for storage or for immediate consumption
- Game may only transition from possession at a permanent residence
- Game processed in the field stays in possession until at a permanent residence

Staff Recommendation

- Processed for consumption would be defined as having three elements: Gutted, cleaned, and any one of the following: 1) frozen; 2) smoke cured; 3) canned; 4) dried; 5) prepared for immediate consumption.
- Request the legislature add to Fish and Game Code a similar provision for fish.

Is it or isn’t it?

- Quail, gutted and cleaned, in ice chest in truck
- Venison steaks in freezer
- Roasting a whole squirrel over campfire
- 22 ducks in a smoker at the duck club
- 2 gutted pheasants hanging in the garage
- 50 cans of salmon in camp

California Fish and Game Commission
Staff Proposal for Predator Policy Workgroup

July 26, 2015

Background

The response by the public to the Wildlife Resources Committee's (WRC) predator policy workgroup (PWG) meeting in March 2015 was overwhelming, and outstripped staff capacity to host all the interest. Staff presented WRC with a preliminary report and recommendations at the meeting on May 6, 2015, and Co-Chair Baylis proposed appointing a balanced group of stakeholders to draft and vet policy and/or regulatory options for consideration and discussion at future WRC meetings. The proposal was discussed and tentatively approved at the June 11, 2015, Commission meeting with requests by Commissioners Kellogg and Hostler-Carmesin for additional information.

Proposal

The proposal requires the Commission to appoint representatives to one of two workgroups to support predator policy review and development. The first group, consisting of six representatives, is responsible for refining ideas and drafting language for review by the WRC. The second group, consisting of 10-15 representatives, is responsible for receiving input to inform the drafting group.

The workgroups are tasked with presenting draft recommendations in a report to the WRC in 2016, at which point the WRC will discuss and make final recommendations for consideration by the Commission in 2017.

Tier 1: Drafting Group (drafters)

The Commission would appoint six volunteers that can demonstrate their commitment to helping draft policy.

- Consists of six seats
- Meet often with each other and the review group
- Goal: To draft new predator policy and regulatory concepts for WRC consideration
- Objectives
    - Receive input from review group
    - Receive expert input
    - Review existing policy/regulatory concepts
    - Draft policy, best management guidelines and regulatory proposals

Tier 2: Review Group (reviewers)

The Commission would appoint no more than 15 volunteers that can demonstrate their commitment to providing constructive input to the drafters.

- Consists of 12-15 seats
- Meet frequently with each other, the drafting group, and key stakeholders

- Goal: To provide input, guidance, and support for the drafting group
- Objectives
    - Review draft from drafting group
    - Provide recommendations to drafting group based on input from stakeholders
    - Negotiate compromises, identify key issues and conceptual changes
    - Debate proposed policies and regulatory concepts
    - Identify best management practices

Appointment Process

Solicitation – Commission staff will distribute a notice of interest for persons willing to volunteer for either tier on the webpage and through the listserv. The notice will include the list of desired qualifications and will outline the task and anticipated term. There will be a 30-day period to apply.

Selection - The applicants will be screened by Commission staff for those meeting the minimum qualifications. The successful applicants will be presented to the Commission at the next available meeting for final selection to fill both tiers.

Minimum Qualifications

- Both drafters and reviewers must demonstrate ability and willingness to work with others of diverse opinions and views and show a commitment and ability to represent key stakeholders.
- Drafters: must demonstrate writing skills and ability to evaluate policy and regulations.
- Reviewers: must demonstrate ability to evaluate policy and regulations. Experience working collaboratively.

Workgroup Input Needs

1. Clear and specific objectives from the Commission and WRC
2. Commission staff support of effort
3. DFW expertise on science, management practices, law, and administration
4. Public attitudes, expectations, needs (depredation, anthropomorphic, property rights)
5. Webpage platform for announcements, key documents, etc.
6. Independent scientific input and/or review
7. Rules of conduct, expectations, roles and responsibilities of participants
8. Discussion starter (draft list of issues/concerns)

California Fish and Game Commission, Wildlife Resources Committee
Draft Request for Nominations to the Predator Policy Workgroup
September 1, 2015 Draft

Through Thursday, September 24, 2015, the Wildlife Resources Committee (WRC) is accepting nominations for appointment to the Predator Policy Workgroup (PWG). The PWG's task is to provide input, develop ideas, and prepare recommendations concerning predator management policy and regulation in California. The Fish and Game Commission (Commission) will appoint qualified candidates to one of two parts of the workgroup responsible for providing draft recommendations to the Committee by September 21, 2016.

Charge of the Predator Policy Workgroup

Drafting Group: The Commission will appoint six volunteers who will meet often with each other and the review group to draft new predator policy and regulatory concepts for WRC's consideration. The tasks of the drafters include, but are not limited to:

- Receive input from the reviewers
- Receive input from qualified experts
- Review existing policies, regulations, and concepts
- Draft policy, best management practices, and guidelines for regulatory proposals

Review Group: The Commission will appoint no more than 15 volunteers who will meet with each other and the drafting group to provide constructive input and feedback on the concepts and recommendations developed by the drafters. The tasks of the reviewers include, but are not limited to:

- Receive input from key stakeholders
- Provide input and feedback to the drafters
- Negotiate compromises, identifying key issues and conceptual changes
- Identify best management practices

Criteria for Selection

Members of the PWG are expected to have the following attributes:

- Thorough knowledge of predator management practices and policy
- Demonstrable ability to work collaboratively with others of diverse opinions
- Strong writing skills and ability to evaluate statute, policy, and regulations
- Ability to balance regional perspectives and local knowledge or experience with statewide needs
- Access and use of an effective communication network to reach stakeholders not attending the public meetings
- Committed to all aspects of the charge of the PWG
- Knowledge or experience with web-based software is helpful but not required.

Taken together, selections will be made to achieve a diversity of perspectives, expertise, and geography. Efforts by multiple stakeholder groups to nominate a single individual are

encouraged. The complete list of nominees will be made available on or about September 30, 2015. The Fish and Game Commission will appoint candidates at the October 2015 meeting in Los Angeles.

Format of Nominations

Nominations should include the following information:

- Nominee name and contact information, including mailing address, phone number and email address
- A short statement to confirm how the applicant meets each of the selection criteria listed above
- Where appropriate, identify current and past affiliations with stakeholder groups active in wildlife resource management, particularly predator management
- A brief summary of past involvement in collaborative public processes to provide advice on wildlife policy, planning, or management
- Willingness to commit the time for full participation on a volunteer basis
- Descriptions of the organizations and individuals with which the nominee will communicate about the efforts of the workgroup and the mechanisms to be utilized
- Areas of knowledge or expertise relevant to the project

Nominations must be received no later than 5:00 p.m. on Thursday, September 24, 2015 via one of the following:

Email: FGC@fgc.ca.gov, include subject line: "Predator Policy Workgroup nomination"

US Mail: California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814
Attention: Predator Policy Workgroup Nominations

For more information, interested parties are invited to contact Caren Woodson by phone at 916-653-4899 or by email to Caren.Woodson@fgc.ca.gov.

From:	Southern California Desert Video Astronomers
To:	FGC
Cc:	Southern California Desert Video Astronomers; firstonfire@aol.com
Subject:	Item 7 on the agenda of the Wildlife Resources Committee for Sept. 9, 2015
Date:	Thursday, August 27, 2015 3:23:21 PM

California Fish and Game Commission
Department of Fish and Wildlife Services

Dear Commissioners, Director, and Department,

I would like to ask that consideration for a forward looking and progressive predator management planning be explored regarding alternatives to lethal remedies in predator control and mitigation.

Not knowing the key talking points on this issue leaves me with only one thought and that is to say that there are new and modern concepts in accepting predator wildlife relations that allow for coexistence and tolerance as a management foundation.

As a single observation, animal husbandry and farmyard management, where weak and loose livestock pens and open range simplicity is not a fair method of livestock management when it provides open invitations to predator problems. Just because the bobcat keeps getting the chickens doesn't necessarily mean the cat is the issue. Depredation problems, therefore may well be more related to issues of livestock mismanagement rather than even the best measures of traditional predator management remedies.

In finding pragmatic foundations for wildlife understanding and protection, it seems like new testimony has come forward that suggests there are better ways of managing predator issues. It seems reasonable that the law should require predator remedies that stress preservation and protection, rather than destruction.

One glaring issue is the culling of mass numbers of predators in contest killing events. Whether there is a prize for killing the most, the biggest, or any other reason, this activity must stop!

As sportsman argue that there is true meaning in the sport of hunting, it is equally arguable that the majority would agree with this when hunting applies to what winds up on the table. However, killing for the sake of taking life, and doing it in great numbers without empathy brings ideas of concern in how our modern science understands the actions of people involved in these activities.

Science is often the supportive reasoning as to why these killing contests have value. I would offer that science is never empirically one sided and there are many ways to offer solutions that don't side step science.

Philosophy has come to the conversation and in addition, emotion, as well. With this, I believe it is easy to show that emotion and philosophy will bring the kind of science that works best while doing the least harm. This is an important point to be considered.

Given our current state of worldwide affairs, a new paradigm is upon. us. This must

be taken with the greatest regard and for the changes coming with it. We have entered a new era of wildlife management understanding and education, and we are on a noble path that must be followed. Otherwise, what will become of us, should we fail?

The Eastern Cougar is gone. This, all the while wildlife management stood by and managed in traditional ways. The reality of why and the knowledge that comes from this should tell us, without pressing the issue, that change must happen. We need our emotion to guide our philosophy, so that we utilize good science to save the best of what and who we are as stewards of the future of our fierce but fragile Planet, Let's not lose our Western Cougars, nor a single living thing within our grasp.....

Thank you.

Respectfully,

Tom O'Key

--
Team SCDVA

Sent via electronic mail
July 16, 2015

To: Jack Baylis and Jim Kellogg, Co-Chairs,
Wildlife Resources Committee
California Fish and Game Commission
fgc@fgc.ca.gov

Sonke Mastrup, Executive Director, California Fish and Game Commission
Predator Policy Working Group
Sonke.Mastrup@fgc.ca.gov

Cc: Charles Bonham, Director
California Department of Fish and Wildlife
Chuck.Bonham@wildlife.ca.gov

Caren Woodson
California Fish and Game Commission
Caren.Woodson@fgc.ca.gov

Re: Proposed Revisions to Sections 460, 465.5 and 472, Title 14 of the California Code of Regulations

Dear President Baylis, Vice President Kellogg, and Executive Director Mastrup,

On behalf of Project Coyote, the Center for Biological Diversity, the Natural Resources Defense Council, the Humane Society of the United States, Mountain Lion Foundation, Project Bobcat, California Council for Wildlife Rehabilitators, Sonoma County Wildlife Rescue, Bird Ally X, and Humboldt Wildlife Care Center (collectively, "the Submitters") and their over 1.6 million members and supporters in California, we are writing to express our strong support for amendments to the regulations implementing the California Fish and Game Code as related to the management of the state's native predators. Specifically, we request that the California Department of Fish and Wildlife ("the Department") and the Wildlife

Resources Committee ("the Committee") of the Fish and Game Commission recommend for adoption by the full Commission the following amendments to Sections 465.5 and 472 of Title 14 of the California Code of Regulations. Further, in light of the Committee's announcement at its May 6, 2015 Los Angeles meeting to streamline the process of amending California provisions on predator management, we recommend that the proposed amendments below serve as a starting basis of discussion in the amendment process.

These suggested amendments reflect policies that would help bring California's wildlife law into the 21st Century by espousing standards of equitable, humane, and ecologically-sound treatment of the state's predators. Our reasoning for the amendments directly address and are informed by the discussion among multiple stakeholders at the March 12, 2015 predator work group meeting. In addition, several of our organizations have independently sent letters to the Department, Committee and Commission regarding these provisions; please see Exhibit A for these comment letters, which further elaborate on some of the points discussed below.

As a policy matter, any take of predator species for depredation purposes should be very limited in scope, authorized only where truly necessary, and, non-lethal methods should be exhausted before lethal methods are used. We believe the Commission should adopt regulations to the maximum extent allowed under existing laws to conform to these principles. However, given the mandate of the Committee and the specific directive of the predator work group related to 14 CCR §§460, 465.5 and 472, we confine our comments to these provisions.[1]

With respect to proposed amendments, please note the following color key:

- **Black** = Original statutory text.
- Blue = Proposed added language.
- Green = Original statutory text moved from one section to another section.

A. 14 CCR §460: FISHER, MARTEN, RIVER OTTER, DESERT KIT FOX AND RED FOX

Current Text:

"§460. Fisher, Marten, River Otter, Desert Kit Fox and Red Fox.

Fisher, marten, river otter, desert kit fox and red fox may not be taken at any time."

Recommendation:

This section of the regulations should be retained as is.

Discussion:

From the Commission Staff Report and as discussed at the March 12, 2015 meeting, our understanding is that the Department intends to propose that the Commission amend this section to prohibit take for fur

[1] Other outdated, unworkable and/or problematic sections of the regulations are in significant need of revision as well. Please see Exhibit B for substantive comments on regulations and policies warranting vetting by the Committee and revisions by the Commission. We note that these comments were submitted by Project Coyote to the Commission 16 months ago but none of these other sections of the regulations have been addressed to date. In stark contrast, the three sections that are the focus of this letter and the March 12, 2015 work group meeting were propositioned by a narrow set of interest groups including the Animal Pest Management Services, the California Farm Bureau Federation and the Shasta County Cattlemen's Association.

purposes only because this was the purported "original intent" of the regulation. Such a change would open these species up to sport hunting as well as other currently prohibited forms of take.

No change should be made to the current text of 14 CCR §460. Most of these enumerated species are already or soon to be afforded take protections under both state and federal statutes. The native subspecies of red fox is listed pursuant to the California Endangered Species Act ("CESA"), and it, along with the highly imperiled Pacific fisher and Humboldt marten, have or are being considered for listing pursuant to the federal Endangered Species Act ("ESA"). Similarly, the desert kit fox—a focal species in the California Desert Renewable Energy Conservation Plan—is facing severe threats and is also on a trajectory that may lead to it being listed pursuant to CESA and/or the ESA. Any amendment made to 14 CCR §460 that would reduce protections for these species cannot be supported by sound science and would be an unwise policy decision that would put the Commission and the Department on a collision course with the mandates of CESA and the ESA, as well as require extensive review under the California Environmental Quality Act ("CEQA").

Further, we have researched the "original intent" of this section and found no evidence that the California Legislature or the Commission had intended this section to prohibit take for fur purposes only. In challenging this interpretation, we request that the Department provide any actual evidence of the "original intent" of this section or reasoning as to why these species warrant lesser protection. Even if the supposed intent could be discerned, the rule was promulgated in 1959 and, from a policy standpoint, Californians have since developed strong support for protective wildlife measures—as evidenced through California voters' support of public ballot measures to protect predators and to restrict take methods deemed cruel and/or indiscriminate under Proposition 4 (1998) and Proposition 117 (1990).

B. 14 CCR §465.5: USE OF TRAPS

Recommended Amended Text:

"§465.5 Use of Traps.

(a) **Traps Defined.** Traps are defined to include padded-jaw leg-hold, steel-jawed leg-hold, and conibear-type traps, snares, dead-falls, cage traps, common rat and mouse traps and other devices designed to confine, hold, grasp, grip, clamp or crush animals' bodies or body parts.

(b) **Affected Mammals Defined.** For purposes of this section, furbearing mammals, game mammals, nongame mammals, and protected mammals are those mammals so defined by statute on January 1, 1997, in sections 3950, 4000, 4150 and 4700 of the Fish and Game Code.

(c) **Prohibition on Body-Gripping Traps.~~ping for the Purposes of Recreation or Commerce in Fur.~~** It is unlawful for any person to trap ~~for the purposes of recreation or commerce in fur~~ any ~~furbearing mammal or nongame mammal~~ animal with any body-gripping trap. A body-gripping trap is one that grips the animal~~ mammal~~'s body or body part, including, but not limited to all leg-hold and foothold traps (including steel-jawed, spiked-jaw, spiked-tooth, padded, laminated, off-set, and enclosed)~~padded-jaw leg-hold traps~~, conibear-type traps, and snares. For the purposes of this section, ~~C~~cage and box traps, nets, and suitcase-type live beaver traps~~, and common rat and mouse traps~~ shall not be considered body-gripping traps~~and may be used to trap for the purposes of recreation or commerce in fur any furbearing or nongame mammal~~.

(1) **Exception for Extraordinary Case to Protect Human Health or Safety**. The prohibition in subsection (~~e~~c) does not apply to federal, state, county, or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise

prohibited body-gripping trap padded jaw leg-hold trap is the only method available to protect human health or safety. All traps used pursuant to this subsection must comply with the specific requirements in subsections (c)(1)(A)-(C) and (g) below.

(A) Leg-hold Trap Requirements. Any Lleg-hold traps used to implement subsection (ec)(1) must be padded, commercially manufactured, and equipped as provided in subsections (A)1. through (A)5. below.

1. **Anchor Chains**. Anchor chains must be attached to the center of the padded trap, rather than the side.
2. **Chain Swivels**. Anchor chains must have a double swivel mechanism attached as follows: One swivel is required where the chain attaches to the center of the trap. The second swivel may be located at any point along the chain, but it must be functional at all times.
3. **Shock Absorbing Device**. A shock absorbing device such as a spring must be in the anchor chain.
4. **Tension Device**. Padded leg-hold traps must be equipped with a commercially manufactured pan tension adjusting device.
5. **Trap Pads**. Trap pads must be replaced with new pads when worn and maintained in good condition.

(B) Conibear-Type Trap Placement Requirements. Any conibear-type traps used to implement subsection (c)(1) must be consistent with requirements under Section 4004 of the Fish & Game Code. Traps of the conibear-type with a jaw opening larger than 6"x6" may not be used on land. Traps of the conibear-type with a jaw opening larger than 6"x6" but no larger than 10"x10" may be used in sets where the trap is wholly or partially submerged in water.

(C) Zones Prohibited to Body-Gripping Traps the Use of Conibear-type Traps and Snares. Conibear-type traps and snaresBody-Gripping Traps, except those totally submerged conibear-type traps and common rat and mouse traps, and deadfall traps are prohibited in the following zones:

1. Zone 1: Beginning at Interstate 5 and Highway 89. . .
2. Zone 2: Beginning in Tehama County at the intersection of Highway 36 . . .

(d) **Prohibition on Exchange of Raw Fur.** It is unlawful for any person to buy, sell, barter, possess, transport, export or otherwise exchange for profit, or to offer to buy, sell, barter, possess, transport, export or otherwise exchange for profit, the raw fur, as defined by Section 4005 of the Fish and Game Code, of any furbearing mammal or nongame mammal that was trapped in this state, with a body-gripping trap as described in subsection (c) above. Any furbearing mammal or nongame mammal that was lawfully trapped with a body-gripping trap pursuant to subsection (c)(1) above may only be possessed until such time as it surrendered to the department.

(e) **Prohibition on Use of Steel-jawed Leg-hold Traps by Individuals**. It is unlawful for any person to use or authorize the use of any steel-jawed leg-hold trap, padded or otherwise, to capture any game mammal, furbearing mammal, nongame mammal, protected mammal, or any dog or cat. **Use of Conibear Traps, Snares, Cage and Box Traps, Nets, Suitcase-type Live Beaver Traps and Common Rat and Mouse Traps for Purposes of Property Protection Unrelated to Recreation or Commerce in Fur.** Conibear traps, snares, cCage and box traps, nets, suitcase-type live beaver traps and common rat and mouse traps may be used by individuals to take authorized mammals for purposes unrelated to recreation or commerce in fur, including, but not limited to, the

protection of property, in accordance with subsections (g) (1) through (~~5~~3) below. Except for common rat and mouse traps, all traps used pursuant to this subsection must be numbered as required by subsection (~~f~~g)(~~5~~4) below. ~~above. The prohibitions of subsections (c) and (d) above shall apply to any furbearing or nongame mammal taken by a conibear trap or snare pursuant to this subsection (g).~~

(f) **Use of Cage and Box Traps, Nets and Suitcase-type Live Beaver Traps ~~Non-Body-Gripping Traps for Purposes of Recreation or Commerce in Fur~~**. Cage and box traps, nets and suitcase-type live beaver traps may be used by individuals to take authorized mammals ~~Any person who utilizes non-body-gripping traps for the take of furbearing mammals and nongame mammals~~ for purposes of recreation or commerce in ~~fur must comply~~ accordance with ~~the provisions of~~ subsections (g)(1) through (~~5~~4) below.

~~(1) Trap Number Requirement. Any person who traps furbearing mammals or nongame mammals shall obtain a trap number issued by and registered with the department. All traps, before being put into use, shall bear only the current registered trap number or numbers of the person using, or in possession of those traps. This number shall be stamped clearly on the trap or on a metal tag attached to the chain of the trap or to any part of the trap.~~

(g) **General Trapping Requirements.** ~~Use of Conibear Traps, Snares, Cage and Box Traps, Nets, Suitcase-type Live Beaver Traps and Common Rat and Mouse Traps for Purposes Unrelated to Recreation or Commerce in Fur. Conibear traps, snares, cage and box traps, nets, suitcase-type live beaver traps and common rat and mouse traps may be used by individuals to take authorized mammals for purposes unrelated to recreation or commerce in fur, including, but not limited to, the protection of property, in accordance with subsections (1) through (5) below. Except for common rat and mouse traps, all traps used pursuant to this subsection must be numbered as required by subsection (f)(1) above. The prohibitions of subsections (c) and (d) above shall apply to any furbearing or nongame mammal taken by a conibear trap or snare pursuant to this subsection (g).~~ Use of any traps under subsections (c)(1), (e) and (f) above must comply with the following requirements:

(1) **Immediate Dispatch or Release**. All furbearing and nongame mammals that are legal to trap must be immediately killed or released. Non-target species shall be released unharmed and may not be taken. Unless released, trapped animals shall be killed by shooting where local ordinances, landowners, and safety permit. In jurisdictions where shooting is not permitted, trapped animals shall be released. This regulation does not prohibit employees of federal, state, or local government from using chemical euthanasia to dispatch trapped animals.

(2) **Trap Visitation Requirement.** All traps shall be visited at least once ~~daily~~ every 24 hours by the owner of the traps or his/her designee. Such designee shall carry on his/her person written authorization, as owner's representative, to check traps. In the event that an unforeseen medical emergency prevents the owner of the traps from visiting traps another person may, with written authorization from the owner, check traps as required. The designee and the person who issues the authorization to check traps shall comply with all provisions of this section ~~Section 465.5~~. Each time traps are checked all trapped animals shall be removed.

(3) **Trap Placement Requirement.** Traps may not be set within 150 yards of any structure used as a permanent or temporary residence, unless such traps are set by a person controlling such property or by a person who has and is carrying with him written consent of the landowner to so place the trap or traps.

~~(4) Placement of Conibear Traps. Traps of the conibear-type with a jaw opening larger than 8" x 8" may be used only in sets where the trap is wholly or partially submerged in water or is. . .~~

~~(5) Zones Prohibited to the Use of Conibear-type Traps and Snares. Conibear-type traps and snares, except those totally submerged, and deadfall traps are prohibited in the following zones.~~

(4) **Trap Number Requirement**. Any person who traps furbearing mammals or nongame mammals shall obtain a trap number issued by and registered with the department. All traps, before being put into use, shall bear only the current registered trap number or numbers of the person using, or in possession of those traps. This number shall be stamped clearly on the trap or on a metal tag attached to the chain of the trap or to any part of the trap. The trapper shall report both the location of the trap via latitude and longitude coordinates and the dates it was set in each location to the department when filing the annual trapping report required under section 467.

(h) **Statutory Penalty for Violation of Provisions**. . . ."

Discussion:

14 CCR §465.5 contains internal inconsistencies and has had amendments proposed from other stakeholders. The above proposed amendments have been made for the following reasons:

- ***14 CCR §465.5(c): General Prohibition of Body-Gripping Traps.*** The proposed amendments to this provision serve to combine all rules on body-gripping traps in one subsection for clarity and ease of enforcement purposes.

  As noted above, trapping of furbearing mammals for depredation purposes should be very limited in scope, authorized only where truly necessary, and, absent emergency circumstances, use non-lethal traps such that trapped animals are kept alive and can be transferred and/or released to appropriate areas or facilities. We support amending 14 CCR §465.5 and all related regulations to reflect these policies. Illinois, Colorado, Washington, Connecticut, New York, New Hampshire, Oklahoma, Rhode Island, Vermont, North Carolina and South Carolina have all adopted policies banning lethal snares. These state policies reflect the belief that lethal wildlife traps are cruel, non-selective, and ecologically unsound.

  As such, we propose that the content of 14 CCR §465.5(e)(1) be moved to a new section 14 CCR §465.5(c)(1) for clarity of drafting purposes. Further, to minimize the risk to non-target animals as well as the potential for controversy, 14 CCR §465.5(g) should be amended to move the contents of subsections (g)(4) and g(5) to subsection (c)(1) in order to prohibit the use of body-gripping traps, absent an "extraordinary case to protect human health or safety", matching the standard for the exceptional use of leg-hold traps in the state. From the perspective of clear statutory drafting, moving subsections (g)(4) and (g)(5) to subsection (c)(1) combines the prohibition and exception on the use of leg-hold and lethal traps in one provision as opposed to two different provisions, enhancing the clarity of the rules for trappers and enforcement officials.

  Separately, we have added the requirement that all traps used in the extraordinary circumstance to protect human health and safety are required to be numbered in accordance with the proposed new subsection (g)(4) (previously subsection (f)(1)) to match the standards in subsection (g) and ensure that government traps are clearly labeled for enforcement purposes.

Further, for purposes of clarity, we have also enumerated types of body-gripping traps to which this regulation applies. Also, the proposed 14 CCR §465.5(c)(1)(B) outlines the restrictions on the placement and size of conibear-type traps, consistent with Section 4004 of the Fish & Game Code. We note, though, that with respect to allowing "partially submerged" conibear-type traps, we look forward to working with the Commission and Department to concretely define the term "partial submersion" to ensure the effectiveness of this regulation and other relevant legal provisions. Moreover, we have amended the title of new subsection (c)(1)(C) to be zones prohibited to body-gripping traps generally, not just conibear-type traps and snares, to encapsulate the spirit of the original amendment which is to protect the desert kit fox from indiscriminate trapping in its protected habitat. We note that we have included here the exception for common mouse and rat traps.

- ***14 CCR §465.5(g)(3): Maintaining consent requirements.*** All animal pest control operators should continue to be required to provide notification to and receive consent from all residents who live within 150 yards of a location where a trap is placed. Given that licensed animal pest control operators are currently permitted to use lethal traps, the risk of collateral damage to pets and non-target animals is very high. Moreover, wildlife is a shared public resource and, as a matter of policy, residents living near a placed trap have the right to notice that traps are planned for use in the area, at a minimum. Thus, we support retaining the consent requirements of landowners and nearby residents in 14 CCR §465.5(g)(3).

  We do, however, acknowledge the practical difficulties of enforcing this provision. In the March 12, 2015 meeting, pest control operators and USDA Wildlife Services representatives conveyed that obtaining the requisite consent is difficult and, as a result, consent is often not obtained and this provision is unenforced. Finding a solution to this problem requires understanding the vested interests of the relevant stakeholders. One key reason that consent from relevant residents is difficult to obtain is because such residents – as well as, oftentimes, the owners who are calling upon the trapping services themselves – oppose the use of lethal traps, as this would lead to the potential killing of non-target animals as well as raise ethical and legal issues of killing wildlife as a shared public resource. The clear regulatory avenue to address their concerns is to require pest control operators and USDA Wildlife Services officers to utilize non-lethal methods and have government officers resort to the use of lethal methods to capture target animals in urban areas only in the "extraordinary case to protect human health or safety." The representatives of pest control operators and USDA Wildlife Services claimed that their practice is to exhaust non-lethal methods. Therefore, amending the provision to legally require the use of non-lethal methods should not raise opposition from the service providers and will give neighboring residents security in giving their consent.

  The pest control operators and USDA Wildlife Services representatives did, however, claim that there are certain species – in particular, the coyote, muskrat, and beaver – that can only be caught using lethal methods. This is simply not accurate. Research has demonstrated that those species can be caught and addressed without using lethal means.

- ***Miscellaneous amendments.***

  - **CCR §465.5(d).** The actions of possession, transportation, and exportation have been added to the list of types of prohibitions on the exchange of raw fur to further clarify this provision. These additional actions are found in comparable regulations, such §4800 of the Fish and Game Code with respect to mountain lions.

- **CCR §465.5(e).** The proposed subsection (e) has been moved from subsection (g) in for purposes of drafting clarity. This proposed subsection encapsulates the rules for using non-body-gripping traps and common rat and mouse traps for purposes of property protection.

- **CCR §465.5(f).** The proposed subsection (f) has been amended to clarify the rules for cage and box traps, nets and suitcase-type live beaver traps for non-depredation purposes. The term "non-body-gripping traps" is too broad, as it arguably includes common rat and mouse traps which are not subject to the same rules for purposes of non-depredation.

- **CCR §465.5(g).** The proposed amendment clarifies general trapping requirements which apply to all trapping permitted in this section.

- **CCR §465.5(g)(1).** The proposed amendment clarifies, for the avoidance of doubt, that in jurisdictions which do not allow firearms, trapped animals shall be immediately released.

- **CCR §465.5(g)(2).** This is a clean-up amendment, as the text of this section should not be referencing itself.

- **CCR §465.5(g)(4).** The proposed amendment requires that trappers report the coordinates and dates of the trap in their annual trapping report in order to ensure that trapping of furbearing and nongame mammals (particularly bobcats) has not occurred in zones prohibiting trapping.

- ***Incentive programs.*** At the March 12, 2015 meeting, incentives for predator-friendly practices were discussed. As an initial matter, we have no interest in seeing livestock harmed or ranchers and farmers suffer economically from depredation. At the same time, maintaining predator populations is critical to the ecosystem and such wildlife are shared public resources over which the ranching and farming communities do not have exclusive ownership rights. Studies show that much of the harm to livestock inflicted by predators can be avoided by the erection of protective barriers around livestock and the use of deflecting technologies which serve to protect all animal populations and economic interests at stake. We propose employing incentive programs that meet the interests of all stakeholders. Existing certification programs that incentivize non-lethal and ecologically sound approaches to address livestock-predator conflicts include "Predator Friendly," Wildlife Friendly, and Animal Welfare Approved. Submitters would welcome the opportunity to present information about these incentive programs to the Committee, Department staff, and any other interested stakeholder groups, as was already initially done at the May 6, 2015 Committee meeting.

C. 14 CCR §472: GENERAL PROVISIONS

Recommended Amended Text:

"§472. General Provisions.

Except as otherwise provided in this chapter ~~Sections 478 and 485 and subsections (a) through (d) below,~~ nongame ~~birds and~~ mammals may not be taken.

~~(a) The following nongame birds and mammals may be taken at any time of the year and in any number except as prohibited in Chapter 6: English sparrow, starling, c~~Coyote, ~~weasels,~~

~~skunks, opossum, moles and rodents (excluding tree and flying squirrels, and those listed as furbearers, endangered or threatened species).~~

~~(b) Fallow, sambar, sika, and axis deer may be taken only concurrently with the general deer season.~~

~~(c) Aoudad, mouflon, tahr, and feral goats may be taken all year.~~

~~(d) American crows (Corvus brachyrhynchos) may be taken only under the provisions of Section 485 and by landowners or tenants, or by persons authorized in writing by such landowners or tenants, ...~~"

Discussion:

Overall, 14 CCR §472 currently contains several inconsistencies with respect to definitions of animal categorizations and the text of other regulatory sections. The above amendments have been made for the following reasons:

- ***Species-specific regulation; reformation of current classification system.*** As a general recommendation, in the case that the take of a specific species is permitted, it should only be done so with a species-specific regulation such as those that exists for bobcats in 14 CCR §478 and furbearers in §§461-464.[2] We believe that coyotes should be the highest priority for such specific regulations. Additionally, regulations for skunks should distinguish between spotted and striped skunks and explicitly prohibit take for the endemic Channel Islands spotted skunk. Similarly, any take regulations for moles and rodents should prohibit targeted take of all endemic subspecies considered species of special concern.

  Moreover, the current classification of predators as "game," "nongame," and "furbearing" has no scientific basis and is outdated under concepts of modern conservation biology and ecological principles. We advocate for wide-scale reform of the outdated predator classification system found in the California Code of Regulations and Fish & Game Code, recognizing that the Commission itself can only change the regulations to the degree consistent with the code.

- ***Birds.*** References to birds have been struck as they are clearly not "nongame mammals." Any regulation of their take should be addressed elsewhere in the regulations. We are happy to work with the Commission to amend the relevant regulations accordingly.

- ***Non-nongame mammals.*** The mammals currently listed in 14 CCR §472(b)-(c) are not nongame mammals as defined in F&G Code §4150 because they are not "naturally occurring" in California. Therefore, they should be excluded from 14 CCR §472 and addressed, if at all, in separate regulations.

- ***Bobcats and American crows.*** We note that of the two regulations cited in 14 CCR §472, §478 relates to bobcats and is undergoing revision, while §485 addresses American crows, which are obviously not mammals. Consequently, any references in §472 to other nongame mammal regulations are best made more generically as "in this chapter."

[2] We note that we have significant disagreement with the *content* of these species-specific regulations, but still believe that the *structure* of these regulations is preferable to that in §472

Thank you for your consideration of these recommended amendments. We look forward to continuing to work with the Department, Committee, Commission and other stakeholders to modernize California's predator management policy.

[*Remainder of page intentionally left blank*.]

Sincerely,

Camilla H. Fox
Founder & Executive Director
Project Coyote

Jean Su
Staff Attorney
Center for Biological Diversity

Rick Hopkins, PhD
Science Advisory Board, Project Coyote
Principal and Senior Conservation Biologist, Live Oak Associates

Brendan Cummings
Senior Counsel
Center for Biological Diversity

John Hadidian, PhD
Senior Scientist, Wildlife
The Humane Society of the United States

Damon Nagami
Senior Attorney
Director, Southern California Ecosystems Project
Natural Resources Defense Council

Tim Dunbar
Executive Director
Mountain Lion Foundation

Miriam Seger
Citizen Advocate
Project Bobcat

Vann Masvidal
President
California Council for Wildlife Rehabilitators

Doris Duncan
Executive Director
Sonoma County Wildlife Rescue

Sharon Ponsford
Board Member
California Council for Wildlife Rehabilitators

Monte Merrick
Bird Ally X and Humboldt Wildlife Care Center

Exhibit A

Sent via electronic mail
March 2, 2015

To: Jack Baylis and Jim Kellogg, Co-Chairs
Wildlife Resources Committee
California Fish and Game Commission
1416 Ninth Street, Room 1320,
Sacramento, CA 95814
Fax: (916) 653-5040
fgc@fgc.ca.gov

cc: Caren Woodson
Caren.Woodson@fgc.ca.gov

Re: Predator Policy Work Group, March 12, 2015 Meeting – Sections 465.5 and 472, Title 14 of the California Code of Regulations

Dear President Baylis and Vice President Kellogg:

On behalf of the Center for Biological Diversity ("the Center") and its over 100,000 members and supporters in California, I am writing to express our strong support for the Wildlife Resources Committee ("the Committee") and the Fish & Game Commission ("the Commission") to adopt predator policies that bring California's wildlife law into the 21st Century by espousing standards of equitable, humane, and ecologically-sound treatment of the state's predators. Specifically, our comments below focus on the discussion questions circulated by Commission staff for the March 12th work group meeting and suggest corresponding amendments to 14 CCR §§465.5 and 472. We will provide additional comments on these and other related regulations throughout this policy reform process, which we are grateful for the opportunity to participate in.

A. 14 CCR §465.5: Use of Traps

As an initial matter, the Center is opposed to all sport and commercial trapping. Trapping of furbearing mammals for depredation purposes should be limited in scope, authorized only where truly necessary, and, absent emergency circumstances, use non-lethal traps such that trapped animals are kept alive and can be transferred and/or released to appropriate areas or facilities. We support amending 14 CCR §465.5 and all related regulations to reflect these policies.

1. **Mixing rules for sport, commerce, and depredation:** *Should different rules govern sport, commercial, and depredation trapping for furbearing mammals? If so, establish separate subsections for the three types.*

Yes, the Commission should adopt separate trapping rules for sport, commercial and depredation purposes. This could be done via changes to licensing requirements and regulations, as well as to 14 CCR §465.5 and other relevant provisions. The provisions of 14 CCR §465.5 could be substantially improved for both clarity and conservation purposes. One measure of this regulation that should be retained, however, is the overall structure in which sport and commercial trapping (*i.e*. trapping animals for their fur, whether for personal use or sale) is treated separately from

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trapping for depredation and pest-control purposes (*i.e.* trapping for the purpose of removing a problem animal). We therefore support how the current text of 14 CCR §465.5 combines trapping rules for sport and commercial purposes together in 14 CCR §465.5(c) and §465.5(f) and separately addresses depredation trapping in 14 CCR §465.5(g). We look forward to discussing the specific content of the rules so that they are updated to reflect the modern predator policy discussed above.

2. **Depredation in urban settings:** *Should licensed commercial animal pest control operators under a contract for pest control services be authorized to place traps within 150 yards of a structure used as a permanent or temporary residence without notification of residents?*

No, all animal pest control operators should be required to provide notification to and receive consent from all residents who live within 150 yards of a structure on or nearby which a trap is placed. Given that licensed animal pest control operators are still permitted to use lethal traps, the risk of collateral damage to pets and non-target animals is very high. Moreover, wildlife is a shared public resource and, as a matter of policy, residents living near a placed trap have the right to, at a minimum, be given notice that traps are planned for use in the area. Thus, we support retaining the consent requirements of landowners and nearby residents in the text of 14 CCR §465.5(g)(3). Separately, to minimize the risk to non-target animals as well as the potential for controversy, we propose amending 14 CCR §465.5(g) to eliminate the use of all lethal traps for depredation purposes, absent an "extraordinary case to protect human health or safety" as defined in 14 CCR §465.5(e)(1).

3. **Zones (kit fox range) prohibition on some trap gear:** *Are gear restriction zones still necessary? Technological advances in gear design may avoid kit fox concerns.*

Yes, gear restriction zones are necessary. Even if certain technological advances in gear design may partially mitigate San Joaquin kit fox taking concerns—a proposition for which we have seen no compelling evidence—allowing the lethal gear to be used in such protective zones is unlawful because there still exists a risk that the trap could exact a kit fox taking in violation of the Endangered Species Act ("ESA") (*See Animal Welfare Institute v. Martin*, 588 F. Supp. 2d 110 (A state trapping regulation violates the ESA if "it is not possible for a [licensed trapper] to use [his traps] in the manner permitted by the [state of Maine] without *risk* of violating the ESA by exacting a taking" (emphasis added))).

Moreover, 14 CCR §465.5(g)(5) should be amended to include zone prohibitions on trap gear for the marten and fisher, both of which are on track to be listed pursuant to the Endangered Species Act. Similarly, given growing conservation concern for the desert kit fox, as well as the fact that this animal is a focal species in the Desert Renewable Energy Conservation Plan, such trapping restrictions should be considered within the range of the desert kit fox as well.

B. 14 CCR §472: General Provisions

Overall, 14 CCR §472 currently contains several inconsistencies with respect to definitions of animal categorizations and the text of other regulatory sections. Accordingly, we recommend the following amendments to 14 CCR §472:

"**§472. General Provisions.**

Except as otherwise provided in this chapter ~~Sections 478 and 485 and subsections (a) through (d) below~~, nongame ~~birds and~~ mammals may not be taken.

~~(a) The following nongame birds and mammals may be taken at any time of the year and in any number except as prohibited in Chapter 6: English sparrow, starling, c~~Coyote, ~~weasels, skunks, opossum, moles and rodents (excluding tree and flying squirrels, and those listed as furbearers, endangered or threatened species).~~

~~(b) Fallow, sambar, sika, and axis deer may be taken only concurrently with the general deer season.~~

~~(c) Aoudad, mouflon, tahr, and feral goats may be taken all year.~~

~~(d) American crows (Corvus brachyrhynchos) may be taken only under the provisions of Section 485 and by landowners or tenants, or by persons authorized in writing by such landowners or tenants, ...~~"

The reasoning for the suggested amendments are as follows:

- Referenences to birds have been struck as they are clearly not "nongame mammals." Any regulation of their take should be addressed elsewhere in the regulations.

- The mammals currently listed in 14 CCR §472(b)-(c) are not nongame mammals as defined in F&G Code §4150 because they are not "naturally occurring" in California. Therefore, they should be excluded from 14 CCR §472.

- As a general recommendation, in the case that the take of a specific species is permitted, it should only be done so with a species-specific regulation such as that that exists for bobcats in 14 CCR §478 and furbearers in §§461-464. We believe that coyotes should be the highest priority for such specific regulations. Additionally, regulations for skunks should distinguish between spotted and striped skunks and explicitly prohibit take for the endemic Channel Islands spotted skunk. Similarly, any take regulations for moles and rodents should prohibit targeted take of all endemic subspecies considered species of special concern.

- We note that of the two regulations cited in 14 CCR §472, §478 relates to bobcats and is undergoing revision, while §485 addresses American crows, which are obviously not mammals. Consequently, any references in §472 to other nongame mammal regulations are best made more generically as "in this chapter."

Thank you for your consideration of these comments. We look forward to discussing these items with the Committee at the March 12, 2015 meeting.

Sincerely,

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PROJECT COYOTE

FOSTERING COEXISTENCE

To: Wildlife Resources Committee & Predator Policy Working Group
From: Camilla Fox & Rick Hopkins
Re: Comments re: "Proposed options for addressing Structural Issues in Title 14"
Date: March 5, 2015
cc: CA Fish & Game Commission; Department of Fish and Wildlife Director Chuck Bonham

On behalf of our California supporters, Project Coyote submits the following initial comments regarding the "Proposed options for addressing Structural Issues in Title 14" put forth by Commission staff at the WRC meeting on January 14, 2015.

Regarding the stated goal for this phase of "reviewing the state of predator management in California" and more specifically addressing "structural concerns" in Title 14, we have the following concerns:

The proposed review of "identifying and addressing inconsistencies" in existing policies and regulations is inadequate in scope, inconsistent, and incomplete in the regulations and policies addressed.

1- The proposed changes to the sections of Title 14 have not been fully vetted; they contravene sound science, modern, ethical wildlife management. The proposed changes violate the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA) and both the State and Federal Endangered Species Acts (CESA & FESA).

Our concerns are detailed below.

While we agree that inconsistencies in Title 14 need to be addressed, only some regulations within Title 14 are now being vetted and considered for amendments. Other sections need to be addressed, and Project Coyote's letter (11/11/13 see Attachment 1) submitted substantive comments on regulations and policies we believe warranted vetting and revisions Not one of those inconsistencies that we pointed out a year and four months ago have been addressed to date. Why have these regulations and policies been ferreted out for consideration? It appears from the published documents and timeline provided by Commission staff that these are the only structural inconsistencies in Title 14 that Commission and Department staff consider warrant vetting and revisions. If this is not the case, Commission staff needs to make this clear in public documents and inform the public when other inconsistencies will be addressed in this process of reforming California's policies and regulations pertaining to predator management.

Project Coyote asks that Commission staff clarify this at the upcoming March 12th meeting and

in writing so that all interested stakeholders are made aware of this (and for those who cannot attend on March 12th). We also ask that Commission staff revisit the documents submitted by Project Coyote, the Humane Society of the United States and others who took the time to reply to the Wildlife Resource Committee and Commission staff's request for input on the subject of necessary revisions to California's policies and regulations related to predator management with the stated goal of modernizing predator management in California and ensuring all policies, regulations and statutes are consistent and reflect best and current science.

It must also be pointed out that the proposed amendments to select regulations were lobbied for by narrow interest groups including the Animal Pest Management Services, the California Farm Bureau Federation and the Shasta County Cattlemen's Association as reflected in the documents associated with this Predator Policy Working Group meeting agenda.

Comments re: "possible solutions to structural inconsistencies":

1- Section 460 Fisher, Marten, River Otter, Desert Kit Fox and Red Fox – functionally fully protected species

FROM COMMISSION STAFF REPORT: "Proposed 'possible solutions': Insert language exempting certain permitted activities (depredation, scientific collecting, incidental take permits, etc.) Clarify that 460 only prohibits take for fur (original intent).

Neither CDFW, nor any stakeholder (e.g., California Farm Bureau Federation) has made a cogent argument as to why these five species of predators should be subject to increased human mortality. No evidence has been presented to document substantial levels of damage or cost from these species. Therefore, we find this change unwarranted based on the lack of evidence and the fact that lethal control methods are generally ineffective in appreciably reducing conflicts.

2- Title 14, Ch. 5: Furbearing Mammals Section 465.5. Use of Traps

We are concerned that the proposal to possibly allow "animal pest control operators under a contract for pest control services be authorized to place traps within 150 yards of a structure used as a permanent or temporary residence without notification of residents" could place non-target animals- both domestic (dogs and cats) and wildlife- in danger. Animal pest control operators frequently use snares to capture and kill coyotes, foxes and other species deemed a "nuisance" by some. This regulation was specifically put in place to protect non-target animals and to protect the rights of private property owners. Animal Pest Management Services and other private pest control firms would prefer to not be restricted by the requirement of obtaining landowner permission of residences within 150 yards of a structure. However, doing away with landowner permission completely contravenes the basic premise of why this regulation was put in place to protect non-target animals and property owners.

The proposal to amend the regulations put in place that restrict body-gripping traps (snares and Conibear kill traps) in the San Joaquin kit Fox (SJKF) zones could violate NEPA, CEQA CESA, and FESA requirements governing the protection of listed species.

The SJKF is listed by both the state and federal Endangered Species Acts, and any action that

may result in harassment, harm, injury, or death of a SJKF requires "take" authorization from both CDFW (an Incidental Take Permit) and the U.S. Fish and Wildlife Service (Biological Opinion). The SJKF populations remain at risk with limited reproductive capacity and we find no credible argument to subject this species at risk to additional potential "take". CDFW and the USFWS have appropriately given great scrutiny to authorizing project related actions that may result in "take". As with our comments noted above for modifications to Section 460, we find that no credible argument has been made to warrant any change or revisions in Section 465.5.

The stated rational for amending this regulation is that the current trap restrictions within the SJKF range is "problematic for depredation control." However, the very traps that some private pest control firms would like to use including snares and kill traps are inherently non-selective. So not are only are SJKF and other imperiled (and non-imperiled) species put at risk but even non-offending targeted species may be removed because of the non-selective nature of such traps.

2- Title 14, Ch. 6: Nongame Mammals Section 472. General Provisions

We concur that it is problematic that this regulation is "inconsistent with all other provisions of law where take is limited or authorized only under specified circumstances. Allows unlimited take by hunters."

We believe that this issue of unlimited take of certain species (for which there is no clear rational) must be fully vetted. We also believe that recreational/sport hunting and trapping of predators (differentiating from depredation removal) must be fully examined by Department and Commission staff with regard to ethics and modern science and best management practices (see Attachment 2).

Thank you for your consideration.

Respectfully submitted,

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Exhibit B

PROJECT COYOTE

FOSTERING COEXISTENCE

To: Wildlife Resources Committee Predator Task Force
Re: Initial comments and proposed amendments to the California Fish and Game Code sections and Regulations regarding the State's responsibilities pertaining to predator management, conservation, and stewardship
Date: November 11, 2013

On behalf of our California supporters, Project Coyote submits the following initial comments and proposed amendments to the California Fish and Game Code sections and Regulations regarding the State's responsibilities pertaining to predator management, conservation, and stewardship.

As discussed in detail below, the rationale for our proposed amendments is fourfold:

(1) to ensure that the California Department of Fish and Wildlife (hereinafter "the Department") and the California Fish and Game Commission (hereinafter "the Commission") abide by their common law and statutory duties to protect and preserve the State's wildlife resources pursuant to the public trust doctrine;

(2) to ensure that Department regulations are consistent with its existing predator policy which applies to *all* species of wildlife and only authorizes the application of depredation methods towards individual animals which have caused injury or damage to private property, and consistent with sections of the California Fish and Game Code which authorize the same;

(3) to incorporate ethical standards and economic considerations that reflect the valuable role predators play in maintaining ecosystem functioning, resilience, and health as well as public values/appreciation for wildlife/predators;

(4) to modernize predator conservation and stewardship throughout the state to reflect current science, conservation biology, and ecological principles utilizing an adaptive management approach.

I. The Department and the Commission have both common law and statutory duties to protect and preserve all of the State's wildlife resources pursuant to the public trust doctrine.

All wildlife in the State of California that is not held by private ownership or legally acquired is the property of the people. Pursuant to the public trust doctrine, the State has a common law duty to act as the Trustee to preserve and protect wildlife resources for present and future

generations of Californians. Indeed, the State's duty along these lines has been codified in the California Fish and Game Code §711.7, subdivision (a), which appoints the Department as a trustee over State wildlife resources. Moreover, Fish and Game Code §1801 provides that all wildlife resources under the jurisdiction and influence of the State should be conserved for the benefit of all citizens of California, as well as to maintain their intrinsic and ecological value. The Commission has been granted regulatory and permitting authority to institute changes in the Fish and Game Code and issue permits pursuant to the Code necessary to protect wildlife (CA Fish and Game Code §§ 200 et seq.) **We request that both the Commission and Department abide by their respective duties to protect and conserve all California wildlife species for the benefit of California residents.**

Public surveys indicate that the majority of Californians support protective measures for wildlife – including predators – regardless of how the predator species classified. These protectionist values are evident through California voters' support of public ballot measures to protect predators and restrict take methods deemed cruel and/or indiscriminate Prop. 4 passed in 1998 and Prop. 117 passed in 1990 are examples of citizen desire to preserve and respect wildlife. As shown below, the Department's stated position on predators expressly applies to "all" species of wildlife. In proposing amendments to the Department's predator regulation and code sections, Project Coyote requests that the Commission and Department abide by their duties under the public trust doctrine and conform their existing regulations to the Department's stated predator policy – which applies to all wildlife species, regardless of how the predator species are classified (e.g., nongame, furbearing or game species) – as well as existing Code sections.

II. The Department's stated predator policy expressly applies to *all* wildlife species, and permits that depredation control methods may be directed only towards those individual animals that have been found to have caused damage to private property or to have presented an immediate threat thereto.

The Department's existing predator policy states:

> *All* wildlife *shall* be maintained in harmony with existing habitat whenever possible. In the event that *some* birds or mammals may cause injury or damage to private property, depredation control methods directed towards the *offending animals* may be implemented.

Under the Department's existing predator policy, the Department has a mandatory duty to maintain *all* species of predators in harmony with existing habitat whenever possible – regardless of how the predator is classified, whether it be a game, nongame or furbearing species. Moreover, depredation efforts may only be applied towards those individual animals that have been found to have caused damage to private property or presented an imminent threat thereto. Project Coyote takes issue with the Department's current stance – as expressed in the current form of its regulations and code that treat predators that are classified as "nongame" or "furbearing" differently than those that are classified as game.

While we applaud many of the recent amendments to the depredation regulations, as codified in §401, Title 14, which went into effect November 1st and require issuance of a permit to take elk,

bear, beaver, bobcat, wild pigs, deer, wild turkeys and gray squirrels that are damaging or destroying or immediately threatening to damage or destroy land or property, we have serious concerns regarding the lack of similar measures for other predators based solely on their classification as "nongame" or "furbearing." As addressed in greater detail in the following section, the current classification of predators as "game," "nongame," and "furbearing" has no scientific basis and is outdated under concepts of modern conservation biology and ecological principles. Our proposed amendments address the lack of consistency currently apparent in the Department regulations for predator species, we believe in a reasonable manner, and will help to bring the Department's regulations in compliance with its obligations under both the public trust doctrine and its stated predator policy. In addition, our proposed amendments will also help to eliminate inconsistencies in the regulations for the existing classifications of predator species. For example, under the current form of the regulations and code, California Fish and Game Regulation § 472(a) authorizes unlimited takes of nongame mammals, while § 4152 of the Code only authorizes the taking of nongame mammals found to be injuring growing crops or other private property. Clearly, the regulation for nongame mammals should be brought in line with the current form of the Code.

III. The Commission and Department should incorporate ethical standards and economic considerations in the California Fish and Game regulations and code that reflect the valuable role predators play in maintaining ecosystem functioning, resilience, and health as well as the public's appreciation of predators

Over the last fifty years, humankind's understanding of wildlife and ecosystems has expanded and societal attitudes about our relationship with the natural world have shifted.
Our scientific understanding of animals – their ecology, physiology, behavior, cognition, sentience, and psychology – is broadening, and we are recognizing that animals have intrinsic value apart from their perceived economic value to humans (Messmer et al. 2001). This evolution in societal beliefs challenges old notions in how we relate to non-human animals. Americans today value the welfare of all beings and believe that the human species has a moral obligation to be compassionate and humane toward the other species and animals which have a right to live their lives on Earth, undisturbed by people, in their natural environments, without abuse or cruelty or the unraveling of their social relationships (Treves et al. 2013). Old fairy tales and fables that demonize certain animals such as wolves and coyotes are being deconstructed. With the ominous consequences of our choices and activities increasingly apparent, humankind is finally coming to understand that our economic and political systems simply cannot operate to keep human societies and civilization disconnected from the Earth's natural systems and continue to survive.

With this as a backdrop, we believe the Department and the Commission have an opportunity – and an obligation – to modernize predator stewardship and to bring the state's regulations, policies and codes in line with current science – both biological and social – while incorporating ethical protocols, standards, and criteria in how predators are managed statewide. We strongly encourage the Department and the Commission to undertake scientific review and survey of the people towards predators, current predator management and conservation, and economic value and perception, especially in a state with rapidly changing perception and recreational trends

where fewer than 1% of Californians hunt and a growing number are engaged in a wide range of non-consumptive wildlife uses. Again, there is an extant scientific literature and basis to quantify these issues (USDOI et al. 2011; http://www.census.gov/prod/2013pubs/fhw11-ca.pdf).

IV. The Commission and Department should modernize its Predator Conservation and Stewardship Regulations, Policies and Code to Reflect Current Science, Conservation Biology, and Ecological Principles in an Adaptive Management Framework.

The Department and the Commission acknowledge that the State's regulations, policies and codes pertaining to predator management are outdated, fail to incorporate the best available science, are often inconsistent, and create confusion for wildlife managers, enforcement personnel and the general public. We commend the Commission for tasking the newly formed Wildlife Resources Committee (WRC) with a comprehensive review of the State's policies and practices regarding predator management – or more appropriately predator conservation and stewardship. We believe that the Commission has an opportunity to set a trend and to demonstrate that California is a leader in how it manages its predators, and that its policies and practices are based in science, ethics, and economics.

We believe that the attached Carnivore Conservation Act presents a model template for carnivore conservation nationwide and one that can be adapted to the specific conditions in California. We encourage the WRC and the Department to consider the provisions in this Act for California, as the Act represents the best available science regarding the role of predators in maintaining ecosystem functioning and health and shifting public values that reflect an appreciation for predators both for their ecological benefits and intrinsic worth.

In addition, we recommend that the Department's current adaptive management program be augmented to include information on current populations and known anthropogenic and non-anthropogenic impacts on their population and the habitats that sustain them. We further recommend that the Commission sanction an independent, scientific review of the State's predator management policies that includes any and all recommendations made by the WRC.

With the aim of modernizing California's predator conservation and stewardship program, Project Coyote recommends the following changes to the State's predator regulations, policies, and code. Not only will our proposed changes help to bring the State in line with current science and societal beliefs, but they will help to ensure compliance with the Department's obligations under the public trust doctrine and consistency with its stated predator policy. Because of the complexity of the State's predator regulations, policies, and code we also strongly suggest that the Department sanction its own internal review to ensure that inconsistencies are addressed that WRC predator policy task force members may have missed.

1. **The Department's duty to limit take of predators & implement consistent protocols and regulations with regard to mitigating predator conflicts and damage**

Allowing the unlimited take of species such as bobcats, coyotes, and gray fox is counter to current science and ecological thinking. It fails to incorporate any assessment of the ecological

value these animals provide to the ecosystems they inhabit (see Bergstrom et al. 2013 for a partial overview of an extant scientific literature on this subject). Thus, modern science tells us that altering predator prey populations through indiscriminate killing can have cascading and long-term negative impacts to the ecology of a given bioregion (see Crooks and Soule, 2009 for a state example of the extant scientific literature on this subject). We also now know that large carnivores are critical to ecosystem health and resilience (Weaver et al. 2002). Given this knowledge, we believe it is incumbent upon the Department to remove unlimited take provisions in its regulations for all native carnivores in California (see attached proposed Massachusetts Carnivore Conservation Act, hereinafter "Carnivore Conservation Act"). We strongly encourage the Department to rethink its current classifications of predator species that appear to have no scientific basis for separate classifications (e.g. game mammal, nongame, furbearing, etc.) and consider a new classification of "native carnivore" for all predator species that would provide certain provisions and protections for all such species and would only allow takes under narrowly defined terms and conditions. Classifying predators in this manner would ensure that the Department and Commission are meeting their duties to manage all species of wildlife pursuant to its existing predator policy as well as the public trust doctrine.

We also contend that it is the Department's responsibility to strictly regulate the taking of predators when very little (if any) baseline population data exists for theses species in California. In the absence of such critical population data the State should be implementing the Precautionary Principle and limiting the takes of predator species, particularly when they are known to be affected by anthropogenic impacts (e.g., trapping/hunting, habitat restoration, changing land-use activities) and non-anthropogenic impacts (climate change and disturbance events such as drought, fires, and floods).

Again, consistent with its Trustee obligations under the public trust doctrine and its stated predator policy, the Department must limit the take of predator species, regardless of whether the predators are classified as game species, nongame species, or furbearing mammals. As referenced above, the Department's stated predator policy expressly applies to *all* wildlife species, and authorizes that depredation control methods may be directed only towards those *individual* animals that have been found to have caused damage to private property or to have presented an immediate threat thereto.

Currently, California Fish and Game Code § 4152 allows the taking of nongame mammals and black-tailed jackrabbits, muskrats, subspecies of red fox that are not the native Sierra Nevada red fox and red fox squirrels that are "found to be injuring growing crops or other property." While this section of the regulations is consistent with the Department's stated predator policy, reportedly, it is not regularly enforced. Moreover, it is inconsistent with § 472(a) of the California Fish and Game regulations which allows "the following nongame birds and mammals to be taken *at any time of year and in any number*… coyotes..."

Just as the State has recently modernized its protocols with regard to how conflicts with mountain lions are handled, we believe the same detailed protocols, policies and regulations should be applied to other California predator species. As with the new mountain lion protocol, the use of lethal control should be employed against predator species only after nonlethal methods have been fully exhausted and only in response to localized, verified injurious wildlife

problems in which an animal has caused or immediately threatened to cause injury or damage to private property. In general, we strongly recommend that any and all lethal control of any predatory species be justified *apriori* on an ecological, economic, and ethical basis and must use the best science, techniques, and survey methods available. Then, this assessment needs to be fully compared to the increasing development of successful non-lethal methods and programs including those successful in the State (Fox 2008, Fimrite 2012). If justified, any taking methods employed should be target-specific to remove only the offending animal(s). Assuming the Department abides by such criteria and ethical standards, current taking methods and practices directed towards predator species that are arguably inhumane and indiscriminate and/or ecologically unsound would be prohibited. These include but are not limited to: predator/wildlife killing contests, snares, and hounding (for take).

In order for the Department to uphold its responsibilities to protect all wildlife species under the public trust doctrine and its existing predator policy, as well as to maintain consistency with the existing Code section for the taking of nongame mammals, Project Coyote proposes amendments to §§ 472 and 401 of the Fish and Game Regulations and §4152 of the California Fish and Game Code (please see attached).

1. Prohibiting wildlife killing contests in California

In California predators including coyotes and gray fox have been subject to unjustified mass and indiscriminate killings—whether or not private property damage had occurred or even been threatened. These organized killing contests are sometimes organized and conducted under the inducement of prizes or monetary rewards and violate the concept of "fair chase." Project Coyote believes that by allowing such killing contests to continue, the Department and the Commission are abrogating their duties to California citizens to protect wildlife under both the public trust doctrine and the Department's stated predator policy—which is expressly applicable to *all* species.

Predator species are generally not taken for consumption. Allowing organized, mass indiscriminate killing of predators is not only cruel to the species involved, but disruptive to California's native ecosystems by unnaturally altering the balance of predator and prey species. This can result in an overabundance of prey and pest species, which, in turn can damage crops and other types of private property. For example, we know conclusively from studies in Yellowstone and elsewhere (see Estes et al. 2011, Ripple and Beschta 2012, and Ordiz et al. 2013) that large carnivores are vital to maintaining healthy ecosystems and species diversity. Their presence helps to maintain native plant communities by keeping large herbivore populations in check, contributing to the health of forests, streams, fisheries and other wildlife. Their absence leads to ecosystem simplification and a loss of biodiversity. As previously cited above, the effects of lethal control on apex carnivores has been shown to affect numerous species including reduction or increase of smaller carnivores—reverse or standard meso-predator release. Moreover, indiscriminate killing of predators is not only ineffective but is often counterproductive and at odds with the principles of conservation biology, ecosystem based management theory, and population ecology (see attached scientific opinion letter by Crabtree, 2013 which is based on numerous studies, many of which are reviewed in Crabtree and Sheldon,

1999). There is extant scientific literature on these issues and we strongly urge the Commission to support independent scientific evaluation of predator killing and removal.

The coyote-killing contest that took place in Modoc County last February generated tremendous public outcry and national media attention. Project Coyote submitted a letter on behalf of 25 organizations representing more than one million Californians asking that this contest hunt be stopped based on ecological and ethical concerns. In addition, more than 20,000 letters, emails and petition signatures were submitted to the Commission and the Department protesting the contest. The Commission and the Department have yet to respond to the public on this issue.

Project Coyote submits that consistent with its Trustee obligations under the public trust doctrine, the Department's stated predator policy, and § 4152 of the Code, which only authorizes the taking of nongame mammals found to be injuring growing crops or other private property, the Commission and Department must make it unlawful to offer any prize, inducement, or monetary reward for the taking of any gamebirds, mammals—including all species of predators—fish, reptiles or amphibians in an individual contest, tournament or derby pursuant to § 2003 of the California Fish and Game Code**.** Exceptions may be made for game fish and frog jumping contests pursuant to subsections (b) and (c) of the code. To institute a ban on wildlife killing contests, Project Coyote recommends amending § 2003 of the Code by deleting subsection (d) in its entirety, which currently authorizes wildlife taking contests valued at $500.00 or less. We believe subsection (d) provides a loophole under which mass, indiscriminate wildlife killing contests for predators and other species are conducted. This loophole should be eliminated.

3. Wildlife Trapping

Through the passage of Proposition 4 (passed in 1998) and AB 789 (signed into law this year) restrictions were made to wildlife trapping and killing practices as reflected in California Fish and Game Code § 3003.1, § 3003.2 and § 12005.5 in 1998 (also known as "Proposition 4") and Code§ 4004, earlier this year. The Commission and Department should update sections of the Fish and Game Code relating to trapping and all sections of its rules and regulations adopted under those Codes to reflect these legislative changes and ensure consistency.

California Fish and Game Code § 3003.1 provides a gaping loophole through which snares may be used to take fur-bearing and non-game mammals to protect private property. Public surveys indicate that Californians do not support wildlife-killing methods deemed inhumane and indiscriminate. Moreover, increased media coverage of animals caught and suffering in snares and local efforts to prohibit the use of snares- including a proposal to ban their use in Los Angeles - the use of snares has led to heightened public concerns about their use in California (see attached article - and video link).

Both the code and regulations are presently riddled with inconsistencies regarding trapping, which must be eliminated in order to provide consistent guidance to both enforcement personnel and to the public. For example, Fish and Game Code§ 4004, which fails to provide a complete ban on the use of steel-jawed traps must be made consistent with Code§ 3003.1-- which clearly provides: "[i]t is unlawful for any person, including an employee of the federal, state, county, or

municipal government, to use or authorize the use of ***any*** steel-jawed leghold trap, padded or otherwise to capture any game mammal, fur-bearing mammal, nongame mammal, protected mammal, or any dog or cat." In addition, § 465.5 of the regulations relating to the use of traps-- which was not provided by the Department in its compilation of current policies, code sections and regulations regarding predator management and depredation-- continues to allow certain body-gripping traps and snares to trap furbearing and nongame mammals in situations unrelated to commerce or recreation.

Project Coyote's Executive Director Camilla Fox and Science Advisory Board member Dr. Paul Paquet served on a national advisory committee to assist the Sierra Club in developing a national policy on the use of traps. The Sierra Club's national board adopted this policy in 2012:

> **Policy on Trapping of Wildlife**
>
> Use of body-gripping devices* – including leghold traps, snares, and Conibear® traps – are indiscriminate to age, sex and species and typically result in injury, pain, suffering, and/or death of target and non-target animals.
>
> The Sierra Club considers body-gripping, restraining and killing traps and snares to be ecologically indiscriminate and unnecessarily inhumane and therefore opposes their use. The Sierra Club promotes and supports humane, practical and effective methods of mitigating human-wildlife conflicts and actively discourages the use of inhumane and indiscriminate methods.
>
> Sierra Club recognizes the rights of indigenous peoples under federal laws and treaties granting rights of self-determination and rights to pursue subsistence taking of wildlife.
>
> *Body gripping device – includes, but is not limited to, any snare (neck, body, or leg), kill-type trap (such as the Conibear®), leghold trap (including steel-jaw, padded, offs et), and any other device designed to grip a body or body part. This definition includes any device that may result in injury or death because of the mechanism of entrapment. Live cage and box t raps, and common rat and mousetraps shall not be considered body-gripping devices.
>
> Board of Directors, May 19, 2012.[1]

Project Coyote believes that this policy reflects national and international trends toward banning wildlife traps deemed cruel, non-selective, and ecologically unsound. We encourage the Department and the Commission to consider adopting this policy and banning snares by amending § 465.5 of the regulations and § 3003.1 of the Code. In so doing, California would be joining numerous other states that have outlawed snares including Illinois, Colorado, Washington, Connecticut, New York, New Hampshire, Oklahoma, Rhode Island, Vermont, North Carolina and South Carolina.

[1] See: http://www.sierraclub.org/policy/conservation/Trapping-Wildlife.pdf

4. Use of hounds for taking wildlife

The use of dogs to hunt mammals, also known as "hounding" often involves the use of high-tech radio collars and GPS devices that allow the hunter to monitor the dogs' activity from a distance. A pack of technologically outfitted dogs is released to chase a stressed wild animal for long distance, across all types of terrain, even sometimes including private property — with no direct oversight from the hunter. The dogs pursue the animal to the point of exhaustion then the dogs either attack and maul the animal—which may cause a lingering, traumatic and painful death, even resulting in injury to the dogs —or, the animal climbs a tree to escape the chase. Because the hunter is unable to keep up with the dogs and monitor their activity, the use of dogs can result in injury and death of non-target animals, including other wildlife species, pets, and farm animals. It can also result in damage to private property. Hound hunting violates the rules of "fair chase".

Current law allows the use of hounds for both pursuing and taking a variety of predators and other mammals classified as furbearers and nongame. Under § 1-89.1 of the California Fish and Game Code, the term "take" means to "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill" a species of wildlife. Public opinion polls do not support the use of dogs to "capture" or "kill" wildlife species. Last year the California legislature passed SB 1221, prohibiting the use of hounds for pursing and taking bears and bobcats and provided limited exemptions now reflected in Section 401. Such a prohibition should be applied equally to all species.

Project Coyote understands that the use of dogs may be justified in limited circumstances for scientific research purposes or to track and tree predators causing injury or damage to private property under a depredation permit issued by the Department. However, allowing the taking/killing of predators/mammals with hounds is ecologically unsound, ethically unjustifiable and counter to public sentiment. Moreover, allowing hounding for some species and not others creates myriad enforcement challenges. Project Coyote urges a ban on the taking of mammals with dogs to ensure consistency in the law and ease of enforcement in the field.

Initial Concluding Remarks

In closing, Project Coyote has been working to increase the acceptance and tolerance of native carnivores throughout California and is working directly with communities to implement effective strategies that promote coexistence and mitigate conflicts between people, wildlife and domestic animals. A prime example of these coexistence strategies is the Marin County Livestock and Wildlife Protection Program described in the attached summary. It has been our experience that when Californians come to understand 1) the important role native carnivores play in maintaining healthy ecosystems, 2) their intrinsic value, and 3) the inefficiency of lethal control, that they will support predator stewardship and conservation including non-lethal control measures. At the opposite end of this understanding lies unlimited and indiscriminate takings as exemplified by predator killing contests that appear to have no justifiable basis in ecology, ethics, or economics.

Enclosed, please find our initial proposed amendments to the Department's regulations and Code. We stand poised to work with the State to bring California to the forefront of predator stewardship and conservation, as supported by the majority of public opinion polls.

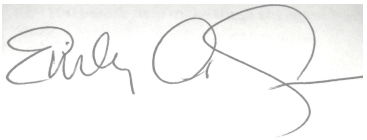
We urge you – as stewards of California's wildlife – to abide by your duty to preserve and protect all wildlife species for the citizens of the State.

Thank you for your consideration.

Respectfully submitted,

Camilla H. Fox
Executive Director

Robert Crabtree, PhD
Science Advisory Board, Project Coyote



Emily Gardner, MS, JD, LLM
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PROJECT COYOTE

F O S T E R I N G C O E X I S T E N C E

February 12, 2015

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
fgc@fgc.ca.gov

Re: Support for a ban on bobcat trapping in California and prohibitions on trapping and hunting of mammalian carnivores for commercial or recreational purposes

Dear Commissioners,

On behalf of Project Coyote's Science Advisory Board we express our support for a ban on bobcat trapping in California and prohibitions on trapping and hunting of mammalian carnivores (predators) for commercial or recreational purposes.[1]

The most general reason for such prohibition is that wildlife managers and sportsmen alike believe, as a community, that killing an animal without an adequate reason is unjustified and unsportsmanlike.[2] Predators are not trapped or hunted for their meat. They are often trapped and hunted merely for recreation or for their pelts, which are then kept as a trophy or sold on the international fur market. This market merely serves those with a desire to purchase luxury items.

Sociological surveys show that most Americans believe hunting for meat represents an adequate reason to hunt.[3] However, those same studies indicate that only small minorities of Americans believe hunting animals for the purpose of supplementing one's income or to gain a trophy are adequate reasons to hunt.[4] Likewise, research indicates that most

[1] This would include, but is not limited to, fur trapping, bounties, sport and trophy hunting, and killing contests, derbies, tournaments, or drives.
[2] This principle is formally and explicitly acknowledged by the North American Model of Wildlife Conservation.
[3] Duda, M. D., and M. Jones. 2014. The North American Model of Wildlife Conservation: Affirming the role, strength, and relevance of hunting in the 21st century. [URL: http://www.responsivemanagement.com /download/reports/ NAMWC_Public_Opinion_Hunting.pdf]
[4] ibid.

Americans consider the use of foothold traps to be inhumane[5], and "a majority of the [U.S.] population disapproves of trapping to make money…and trapping for recreation or sport." [6] Beyond being widespread, those beliefs are well justified. That is, gaining a trophy and serving a luxury industry are trivial reasons to kill a living creature.[7] These perspectives are reason enough to prohibit killing predators for commercial or recreational purposes.

Furthermore, wildlife professionals understand that wildlife populations are public trust assets.[8] In a judicious democracy all citizens have a stake in the treatment of public trusts. That means, when most citizens have good reason to treat a public trust, such as a predator population, in a particular manner, then the trust should be managed in that way.

What most citizens believe to be adequate and inadequate reasons for killing wildlife is important because participation in hunting has been on the decline for decades, and that decline is worrying to members of the hunting community. Reversing that trend and maintaining the support of the non-hunting community almost certainly requires the hunting community to be sensitive to what most Americans consider to be adequate reasons to kill a living creature.[9]

Some advocates might argue that trapping and hunting predators should be allowed because it is a traditional form of recreation. The shortcoming with this rationale is that "tradition" cannot ever by itself be an adequate justification for any activity. Many traditional activities, once condoned, are now widely acknowledged to be unjustified.[10]

Some proponents might argue that trapping and hunting predators is necessary because without trapping or hunting these species would become overabundant and subsequently reduce the abundance of prey species – prey species that some believe should be managed for maximum abundance for the purpose of maximizing hunter success. A great deal of science indicates that killing predators is not a reliable means of increasing ungulate abundance. The circumstances most likely to result in increased ungulate abundance are also the circumstances most likely to impair important ecosystem benefits and services that predators provide. Even when predators are killed to the point of impairing the ecosystem services, there is still no assurance that ungulate abundance will increase. The

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[5] According to Reiter et al. (1999), 80% of the U.S. public found foothold traps to be inhumane capture devices. Reiter D., Brunson M., Schmidt R.H. 1999 Public attitudes toward wildlife damage management and policy. *Wildlife Society Bulletin* 27, 746-758. This finding was recently replicated by Bruskotter and colleagues (unpublished data).

[6] According Duda and Young (1998) 59% of Americans disapproved of trapping generally. Duda M.D., Young K. (1998) American attitudes toward scientific wildlife management and human use of fish and wildlife: Implications for effective public relations and communications strategies. pp. 589-603. *Transactions of the North American Wildlife and Natural Resources Conference.*

[7] While earning an adequate income is vitally important, fewer than 100 Californians trap bobcat as a means of supplementing their incomes. Trapping predators is unimportant to the economic health of California.

[8] This principle is also formally and explicitly acknowledged by the North American Model of Wildlife Conservation.

[9] This reasoning highlights the imprudence of fear mongers who believe that prohibiting unjustified forms of hunting and trapping is a slippery slope to the prohibition of all forms of hunting.

[10] This includes many forms of sexism and racism.

reason being is that ungulate abundance is frequently limited by factors other than predators – factors such as habitat and climate.

Proponents might also argue that killing predators is an important means for decreasing the loss of livestock to depredation. A great deal of science has been developed on how to effectively manage depredations. Lessons from that science include: In a population of predators, typically only a few individuals are responsible for depredating livestock.[11] For this reason, indiscriminate killing of predators is an ineffective means of reducing depredations because it does not target the offending predator or the time or place where depredation has occurred.[12] Moreover, indiscriminate killing can lead to the disruption of predators' social and foraging ecology in ways that plausibly, and perhaps likely, increase the risk of depredation. Reducing the loss of livestock is a common goal for all stakeholders. The concern is that recreational and commercial killing of predators does not contribute to this goal and may work against it because this kind of killing tends to be indiscriminate with respect to depredating predators.

Some proponents of predator trapping and hunting might highlight that opponents of predator killing are free to refrain from doing so; but being opposed does not justify prohibiting others from doing so. These proponents might further argue for being allowed to hunt and trap predators because – in their view – a sufficiently robust reason to oppose predator killing has not been offered. This laissez faire perspective misconstrues the circumstance. To kill a living creature without an adequate reason violates a fundamental principle of wildlife management and sportsmanship. By that principle particular instances of killing should be prohibited until good reason is offered for why doing so would be justified. To our knowledge, no such reason has been forthcoming. If some purported reason were presented, we would be very interested to evaluate such a reason.

Beyond these points and counterpoints, lies a need to better recognize and celebrate predators' valuable contribution to the health and vitality of our ecosystems. For example, predators serve human interests through rodent control, disease prevention, positive and indirect effects on plant communities, soil fertility, and physical processes (e.g., erosion and stream geomorphology). Trapping and hunting predators is antithetical to those valuable contributions.

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[11] For example, see F. F. Knowlton, E. M. Gese, M. M. Jaeger, Coyote depredation control: An interface between biology and management. *Journal of Range Management* 52, 398-412. (1999).

[12] For examples, see M. M. Conner, M. M. Jaeger, T. J. Weller, D. R. McCullough, Effect of coyote removal on sheep depredation in northern California. *J. Wildl. Manage.* 62, 690-699 (1998); B. N. Sacks, M. M. J. K. M. Blejwas, Relative vulnerability of coyotes to removal methods on a northern California ranch. *J. Wildl. Manage.* **63**, 939-949. (1999); B. N. Sacks, M. M. Jaeger, J. C. C. Neale, D. R. McCullough, Territoriality and breeding status of coyotes relative to sheep predation. *J. Wildl. Manage.* 63, 593-605. (1999).

Thank you for considering these concerns on this important issue. If the Commission were interested to know about any of the claims or rationale in this letter, we would be honored to share that insight with the Commission.

Respectfully submitted,

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PROJECT COYOTE

F O S T E R I N G C O E X I S T E N C E

Dear Interested Person or Party:

The following is a scientific opinion letter requested by Camilla Fox, Executive Director of Project Coyote. This letter outlines a response to the general question "What effect does reduction of coyotes (older than 6 months) have on the remaining population?" This question is central to the repeated claim that reduction (mortality) of adult coyotes from human control practices lessens predation on domestic sheep or game animals such as mule deer or antelope. Before I cover the three basic biological responses by coyote populations to reduction (described below), it is important to understand the type of "predator reduction" or "coyote control" in question. Most reduction programs, often referred to as control practices, are indiscriminate in nature, meaning the individuals removed (coyotes are killed not relocated) are probably not the offending individuals. Research (mostly funded and conducted by USDA Wildlife Services) has shown that offending individuals are most often breeding adults provisioning their pups. Breeding adult coyotes are very difficult to target and can be rapidly replaced (another pack member takes over their role). Even if some offending individuals are removed, there is great likelihood that the responses described below will take place anyway. Although removal of offending individuals may temporarily alleviate predation rates on the protected species, the alleviation is usually short-term and has long-term side-effects that can result in increased predation rates and increasingly ineffective control activities.

It cannot be over-emphasized how powerfully coyote populations compensate for population reductions. Such density dependent responses to exploitation (human-caused mortality) are common in mammals and present in all territorial populations at or near habitat saturation. Both evolutionary biology and the results of research (e.g., recently completed 20 year study in Yellowstone National Park before and after gray wolf reintroduction) indicate that the basis of their *demographic and behavioral* resiliency is embedded in their evolutionary history. Coyotes evolved, and learned to coexist, in the presence of gray wolves—a dominant competitor and natural enemy that overlapped the historic range of coyotes in North America. Prior to widespread human persecution starting in the mid-nineteenth century, wolves have provided a constant selection factor inflicting mortality, competition, and numerous other sub-lethal effects.

Collectively, these intense selective pressures by wolves resulted in a species that exists in a relatively constant state of colonization with many specialized adaptations. These demographic and behavioral adaptations are numerous and diverse and allow coyote populations to easily overcome the relatively mild effects of human control practices which are short-term and intermittent compared to sustained presence of wolves, from every month to many thousands of years.

Demographic compensation

The following demographic responses are based on published research, results of preliminary analysis of coyote study populations subjected to various levels of reduction or exploitation, and the work I have conducted with coyote populations in three study areas over the past 28 years in Washington (an unexploited population, not subject to human control or mortality), California (exploited), and Wyoming (unexploited then wolf mortality after reintroduction).

There is little, if any, scientific basis to justify control (reduction) programs that indiscriminately target adult coyotes. Wildlife Services often points out the lack of academic research demonstrating effectiveness. However, as with any federal action, the burden of proof is upon them to demonstrate both the biological and economical effectiveness of their proposed control activities. In fact, the mechanisms described below suggest that widespread control (even selective control) increases immigration, reproduction, and survival of remaining coyotes. It has been reported that sustained reduction of coyote numbers can only be accomplished if over 70% of the individuals are removed (exploited) on a sustained basis. Review of field research and modeling exercises (including my own) indicates that even with intensive control efforts, this level is rarely, if ever, achieved. A thorough review and synthesis of coyote ecology and demography can be found in a recent book chapter (see Crabtree and Sheldon 1999).

(1) Actual reduction in the density (and number of coyotes) does occur and is primarily a function of lower pack size for one year (betas, yearlings, and 6 month old pups are killed more often than reproducing adults or alphas). However, this reduction is compensated for in a wide variety of ways. First off, immediate immigration occurs in the reduction area by lone animals or from spatial shifts by surrounding social groups. At exploitation rates below 70%, the reproducing alpha males and females are replaced (seldom in the same year but always in the succeeding year). This is the expected response by most territorial species with surplus (non-breeding) adults. Their primary objective is to find a temporal opening, defend and exploit the food resources in that social group, pair-bond and breed.

(2) Human control resulting in density reduction results in a smaller social group size which increases the food per coyote ratio within the territory. The food or prey surplus is biologically transformed into somewhat larger litter sizes and almost always much higher litter survival rates (which are low in unexploited populations). Review of literature indicates that the increase in litter size at birth is not as great as was previously reported by Knowlton (1972). In addition to increased food availability for fast-growing pups, the surplus food improves the nutritional condition of breeding and associate adults, which translates in higher pup birth weights and higher pup survival. Alpha male coyotes and associate adults in the pack help feed the pups.

(3) Density reduction allows the pups that normally die during the summer months in populations with low to no mortality, to survive. Exploitation causing higher pup survival is fundamentally a function of the general mammalian reproductive strategy that delays the majority of reproductive energetic investment beyond the gestation period, the post-partum and neonate state (e.g., young pups). The caloric demand of offspring reaches an apex in May, June, and July when coyote pups grow very fast. Thus, the normal litter of six pups has a good chance of (a) surviving the typically high summer mortality period and, (b) being recruited into the pack

the following winter as adults thereby returning the previously exploited population to normal densities. By contrast, in the two unexploited populations I investigated, the average litter size at birth was 5 or 6, but due to high summer mortality, only an average of 1.5 to 2.5 pups survive. In populations subjected to less than 70% removal annually, there appears to be an ample number of breeding pairs to occupy all available territory openings and litter sizes of 6 to 8 enjoy high survival rates (most pups born survive to adulthood). This results in a doubling or tripling of the number of hungry pups that need to be fed. "Large packages" of prey, (such as sheep, as opposed to the more natural and common prey species of voles, mice, or rabbits) make for more efficient sources of nutrition because hunting adults have to invest less energy per unit of food obtained. Research funded by Wildlife Services clearly indicates that the primary motivation to kill domestic sheep is to provide food for fast-growing pups.

(4) Reductions in coyotes capable of breeding (at 10 months of age) result in smaller pack size which leaves fewer adults to feed pups. This may further add incentive for the remaining adults to kill larger prey as well as putting pressure on the adults to select for the most vulnerable prey and venture close to areas of human activity. Because predators like coyotes also learn what is appropriate food when they are pups, and are reluctant to try 'new' food sources unless under stress (such as having to feed a large litter of pups), reduction programs, in effect, may be forcing coyotes to try new behaviors (eating domestic livestock) which they would otherwise avoid. Research has clearly shown that higher numbers of adult pack members provide more den-guarding time and more food brought to pups. Without pressure to "maximize" efficiency in hunting for food for pups, packs may be able to subsist on larger numbers of smaller prey (e.g., rabbits and small rodents) rather than going for livestock or other, larger prey like antelope and mule deer fawns. Although, coyotes are exposed to significant risk of injury when hunting and killing larger prey, larger litter sizes might 'tip the balance' in favor of selecting larger prey and livestock.

(5) Reductions (non-selective, indiscriminate killing of adults) cause an increase in the percentage of females breeding. Coyote populations are distinctly structured in non-overlapping but contiguous territorial packs. About 95% of the time, only one female (the dominant or alpha) in a pack breeds. Other females, physiologically capable of breeding, are "behaviorally sterile". Exploitation rates of 70% or higher are needed to decrease the number of females breeding in a given area. Either a subordinate female pack member, or an outside, lone female can be quickly recruited to become an alpha or breeding female. My research has shown that light to moderate levels of reduction can cause a slight increase in the number of territories, and hence the number of females breeding.

(6) Reduction or removal of coyotes causes the coyote population structure to be maintained in a colonizing state. For example, the average age of a breeding adult in an unexploited population is 4 years old. By age 6, reproduction begins to decline whereby older, alpha pairs maintain territories but fail to reproduce. This may eliminate the need to kill sheep or fawns in the early summer in order to feed pups. Exploiting or consistently reducing coyote populations keeps the age structure skewed to the younger more productive adults (average age of an alpha is 1 or 2 years). Therefore, the natural limitations seen in older-aged, unexploited populations are absent and the territorial, younger populations produce more pups.

(7) Reductions in adult density of coyotes also cause young adults (otherwise prone to dispersing) to stay and secure breeding positions in the exploited area. This phenomenon is well-

documented by research conducted by Wildlife Services and other researchers. Research also indicates that this is the age class most frequently involved in conflicts.

Alternate prey

An aspect of coyote predation on livestock that is often overlooked is the availability, or dearth of alternate prey. Wildlife Services' research has demonstrated that coyotes will avoid novel prey, such as domestic livestock. In addition, it is risky for coyotes to predate upon domestic livestock because of human control actions associated with this behavior. Related research indicates that predators switch to alternative prey when a preferred prey item is absent or in low numbers. Voles and other rodents like jackrabbits are a preferred major staple of coyotes in the West. These prey species require cover and ample supplies of forage (grass and forbs). On many western rangelands grasses, forbs, and protective cover have been greatly reduced by domestic livestock grazing, leaving predators with fewer preferred prey to utilize. Present or historic grazing impacts should be assessed as a likely means of predicting overall predation rates on other prey species, especially prey like domestic sheep, which are already vulnerable to predators due to their lack of anti-predator behaviors.

Accelerated selection pressures and learned behaviors

A relatively unexplored, but promising avenue of research is the long-term genetic and behavioral changes in coyote populations subjected to decades of exploitation. It seems obvious that the type of selection pressures and selection rates have been greatly changed for coyote populations, after a century of exploitation at 20% to 70% per year. More nocturnal, more wary, more productive, more resilient individuals have probably been intensively selected for. This in turn may cause coyote populations to resist control practices that previously were effective. In addition, the possibility of social facilitation and learning may be altered or reduced. Coyotes, like many mammals, learn to habitually use certain prey or habitats from other individuals in the population, especially from older adults in their social group (if they have one). Coyotes, already a highly social and adaptable species, are held in a younger colonizing state when they are exploited, and learned or traditional behaviors may be lost. Individuals are therefore more susceptible to learning novel prey sources or trying out novel habitat types, and are frequently associated with conflicts such as livestock predation.

There are many questions to be answered such as, "How will coyote populations respond once predator reduction or control programs are terminated?" or "Are there other management alternatives, both lethal and non-lethal, that may be effective in reducing predation on domestic livestock"? "How do economics figure into management options"? This letter and scientific opinion only addresses the narrow, but important topic of the impacts of human-caused reduction or 'control' on coyote demographic parameters. We see little, if any, evidence to justify control practices on an ecological basis. This letter also addresses a long-held belief that human control of coyote populations are 'necessary', similar to 'mowing a lawn' to keep it from growing out of control. This belief has no scientific basis whatsoever. Even research conducted by Wildlife Services reports a variety of factors that keeps the lawn from growing. Their research repeatedly concludes that the primary means of population limitation is territoriality itself, which imposes an upper limit on density (or lawn height). Paradoxically the prevalent use of lethal control by Wildlife Services opens up a 'Pandora's box' of behavioral and demographic responses that negate any long-term effectiveness of control. The predominant responses of coyote populations to lethal control efforts are to: (1) increase the number of pups produced (recruitment), (2)

increase immigration into the conflict area, and (3) increase behaviors that further exacerbate the conflict. Collectively, this results in higher predation rates on domestic livestock and wild ungulates.

Coyotes are still products of their evolutionary past. Biological, economical, and ecological evaluation of control practices should be a requirement undertaken before any public or private effort to reduce losses due to coyotes or any other predator. In conclusion, it is my opinion based on decades of field research that the common practice of reducing adult coyote populations on western rangelands is most likely ineffective and likely causes an increase the number of lambs, fawns, and calves killed by coyotes.

A Summary of the Effects of Exploitation on Predator Populations

The 20 responses listed below are divided into four general categories: (1) demographic compensation, (2) behavioral response, (3) changes in culture/society, and (4) ecosystem impacts. How many of these occur—and their individual magnitudes—will vary by species, the severity and type of control action taken, habitat, season, prey availability, and presence of competing carnivores in the target area. Interactions between the 20 responses listed below can be unpredictable; however, scientific findings and biological common sense both indicate that they 'amplify' in a manner that renders indiscriminate killing ineffective and results in a multitude of detrimental effects on individuals, species populations, and the entire predator-prey ecosystem.

Demographic Compensation: (this is a particularly strong response for coyote populations because the primary reason they kill ungulate neonates, both domestic and wild, is to feed fast-growing pups)

- Breeding adults produce more pups when there is direct reduction in territorial pack size. There is a weak to negligible effect on litter size at birth; however, the compensatory response of litter survival is remarkable. For example, prior to wolf restoration, adult coyote mortality averaged only 9%, pack size was 6, and litter survival was 28%. After wolf restoration, adult coyote mortality increased to 30% to 50%, pack size fell to 3, and coyote pup survival abruptly rose to 78%—a nearly three-fold increase. Analysis from 20+ field studies indicated a similar response to human exploitation.
- Immigration of breeding adults into the exploited area to fill vacant territories and find available mates. This response can be immediate. I have documented successful coyote litters in territories where the pregnant female was killed one month earlier (ascension by

a pregnant beta female—Wildlife Service's own research documents this phenomenon—nearly all non-alpha females are pregnant on an annual basis).

- A higher percentage of females breed and produce pups. Two litters per territory can also occur with abundant/available prey.
- The average age of reproductive females is lowered, eliminating older, less productive alpha females. First-time breeders (young alphas) have higher pup survival than older breeding pairs.
- Increased natal philopatry—yearlings and young betas tend to forego dispersal and continue to reside in the exploited area.
- Regardless of the level of exploitation, the number of breeding pairs in a target area is consistent from year to year unless 70% or more of the coyote population is removed annually. This level of control is extremely difficult and costly to achieve let alone document.

Behavioral Responses:

- Lower pack size results in selection of larger prey items (e.g., ungulate neonates) over more numerous small prey items (e.g., rodents). This is particularly detrimental to livestock when alternate prey abundance is low which is often due to overgrazing practices.
- Adjust vocal communications—less vocal around humans.
- Activity cycles—more nocturnal and less diurnal.
- Denning behavior (guarding and location)—less susceptible to enemies.
- Avoidance of novel stimuli including control techniques. Perceived avoidance of sustained control activities.

Changes in the Culture/Society:

- Increases in information sharing within and between new territorial pack members; this leads to increased exposure to novel prey (livestock).
- Because there is a strong shift to fewer subordinates—betas are immediately recruited to alpha breeding status—livestock-killing alpha adults are predominant in the population structure.
- Killing the alpha male results in immediate replacement or the remaining pack breaks apart and disperses to form breeding pairs elsewhere.
- Indiscriminate control methods have accelerated and amplified selection pressures to perpetuate a 'dispersal genotype' adapted to rapidly colonize and successfully reproduce. Remember that during the predator eradication era (approximately 1860's to 1960's), large carnivore populations declined substantially (with regional extirpation) while coyotes tripled their abundance and distribution across North America.
- Their cultural evolution likely interacts with their biological evolution to further accelerate and amplify selection pressures.

Ecological Impacts:

- Mesopredator release: Decrease in apex predator populations reduces the competition and/or intraspecific killing rates with other predators or mesopredators (e.g., foxes, raccoons, skunks, feral cats, etc.). This causes an increase in their abundance (i.e., release), which in turn, can have detrimental effects on other species (e.g., ground-nesters, songbirds, amphibians, and rodents) and other unintended 'ripple' effects or trophic cascades.
- Loss of ecosystem services: alleviation of control pressures on prey populations (e.g., rodents, large herbivores) can lead to vegetation changes.
- Loss of ecosystem services: Disruption and increase of disease spread.
- Loss of ecosystem services: Loss of subsidies to scavengers (e.g., wolves provides food for many other species).

Written by Dr. Robert (Bob) L. Crabtree
Science Advisory Board, Project Coyote
President and Founder Yellowstone Ecological Research Center, Bozeman, MT
Research Associate Professor, University of Montana, Missoula, MT
Visiting Scholar, University of Victoria

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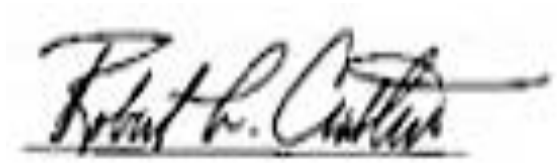

LIVE OAK ASSOCIATES, INC.
an Ecological Consulting Firm

Predator Management in the 21st Century: Framework for Modernizing Predator Management in California

Rick A. Hopkins, Ph.D.
Proposed for April 9, 2015 F&G Commission Hearing

Our relationship with predators, particularly large predators, is driven by a fascination and curiosity that is primal. We fear not those risks that are common and every day occurrences (such as heart disease and automobile accidents), but obsess on events such as attacks by large predators on humans, to the point of advocating remarkable efforts to preemptively eliminate a risk that is barely measurable. While we define human/predator interactions as dramatic, they are nonetheless extremely rare. Some stakeholders also express considerable angst on other types of conflicts such as effects on ungulates (e.g., game species) or depredation of livestock. These conflicts are the major driver for advocating management strategies for predators that focuses almost entirely on reducing conflicts with humans by reducing populations through sport-take or prophylactic control methods – the kill strategy. Nationwide, while conservation is often mentioned or inferred within a statewide program to traditionally manage some predators such as cougars or black bears (others are treated as varmints with no consideration of limit of kill or seasons), explicit strategies to achieve long-term conservation goals for the species are simply not discussed. There appears to be an overly simplistic presumption that as long as sport-take (or other control) efforts are sustainable, then conservation has been achieved. I argue that these "traditional kill strategies" not only do little to reduce conflict, but more importantly do little to conserve the species.

During the last century we have moved from a society that has advocated the eradication of predators to one that has greater tolerance for native carnivores with some segments of society wishing to live in harmony with them. The problem is that we are not completely clear on the concept. For example, as Teddy Roosevelt noted over a century ago, the cougar has long been the subject of "…loose writing or of such wild fables…" and unfortunately, myths about this species and other predators abound. As part of this exercise, I will shift the discussion from untested word or narrative models (We kill predators – there must be less – conflicts must have declined concomitantly) and will review the scientific literature, exploding notions that there is any support in the literature that killing predators accomplishes any long-term goals in reducing conflicts between humans and predators (i.e., attacks on humans, change in prey populations and change in depredations).

The conservation of wide-ranging taxa depends critically on planning efforts that consider both habitat and connectivity needs of the target species – not on the number of individuals killed for recreation or control. Therefore, in an effort to shift the management paradigm toward a

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contemporary set of tools for the management and conservation of predators, I will explore where we have been, learn from the failures of the past, and discuss a framework for modernizing predator management in California.

To that end, I will discuss four myths (or wild fables) that have permeated the public discussion of the cougar throughout its range as a case study that can illustrate the past, present and future of predator management. These are: 1) cougars were near extinction (or declined to very low numbers) throughout much of the western U.S. in the 1960's and 1970's; 2) sport-hunting has been an effective tool for managing the cougar; 3) cougars have been or are increasing over large portions of their range over the last 20 to 30 years; and 4) cougars are loosing their fear of humans posing greater risk to us then in previous decades. In the end, we believe that cougars are abundant in the west today, not because of insightful management over the last 30 years, but due more to fact we failed in our mission to eradicate them in the early to mid-1900s.

We will also expand this discussion to point out there is never a management need to engage in sport-take or control of predators – it is largely a matter or recreation (sport-take) or tradition (e.g., control efforts). Wildlife professionals (Leopold in 1932, Giles 1969, etc.) have long advocated that wildlife management integrates science (informs) and values (direction) in reaching an ultimate management or conservation program. There is absolutely, no such thing as science only management, as science can only address questions related to evidence and ramifications of actions, and is ill equipped to address questions such as should an activity be allowed or not (e.g., recreational sport-take of predators) – the latter is driven by the values integral to the stakeholders. This is the framework by which we hope to advocate for modern predator management in the State of California.

LIVE OAK ASSOCIATES, INC.
an Ecological Consulting Firm

February 12, 2015

Michael Sutton
President of the Commission
California Fish and Game Commission

Subject: Banning the trapping of bobcat and Predator Management Reform in California.

Dear Mr. Sutton:

I write as an expert on the ecology and biology of large mammals (particularly large predators) and as co-founder and Principal of Live Oak Associates, Inc., (LOA), an ecological consulting firm based in California. During the last 35 years, I have conducted a number of studies on cougars and have participated in numerous public policy debates as a carnivore expert in several western states. I am experienced and versed in management options and conservation strategies for a variety of carnivores, including coyotes, bobcat, cougar, black bear and the federal and state listed San Joaquin kit fox. Most recently I have been using statistically robust spatial tools as a framework for predicting the effects that large perturbations or modifications of landscapes (e.g., several thousand to tens of thousands of acres) have on the suitable habitats and regional landscape connectivity for a suite of carnivore species.

I really think any discussion regarding predator control programs or killing of predators for sport or commercial venture needs to be framed within the ecological context of "need". The famous and brilliant population ecologist Graeme Caughley once noted that the term overabundance is not an ecological term, but really a human expression embedded within a values framework. A sheep rancher will likely have a very different perceptive (values) regarding the abundance of coyotes in and around his/her ranch then a resource ecologist would have that is in charge of maintaining ecosystem function within a large preserve or National Park. The evidence (or science of population dynamics) is not what is really in question, but instead the values of the individual that is considering the presence, distribution and abundance of the predator. Collecting more empirical evidence on the population dynamics of the coyote is not likely to satisfy rancher. The mere presence of coyote (regardless of its abundance) and the potential or real loss of sheep is all that matters in the rancher's world.

Thus, in this case, it really boils down to a very simple question, is there a management need to trap or kill bobcats for recreational or commercial ventures in California? While sport hunting or killing of predators is often touted as a management tool, it rarely is; in essence we manage for the sport hunt, not by it. CDFW has what I believe an enlightened view on this matter, as they have noted in the past for example, that sport hunting of black bears is for recreational purposes only and the sport hunt does not in fact function in any measureable way to reduce human-bear conflicts.

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We kill medium and large carnivores through sport take and control efforts (e.g., wildlife services) *not* because hunting has been shown to be an important management tool, but because it is tradition. To argue that hunting is needed for population management is an overly simplistic argument about natural systems - one that is in conflict with both predation theory and evidence.

Wildlife managers typically manage single species of wild animals to establish sustainable yield and a condition of stasis (that is, stability) -- a goal that is neither achievable nor desirable. This concept -- treating wild animals as a harvestable crop – is inconsistent with modern understanding of population conservation and ecosystem integrity concepts. This is why over the last decade, conservation biologists have tended to shun the North American Conservation Model (the sport hunting paradigm) for predators, in favor of implementing broad conservation measures that preserve and manage functionally intact, interconnected ecosystems (Nelson et al. 2011). Conservation strategies can have as explicit goals the preservation of predators within a functioning ecosystem while simultaneously reducing conflicts with humans. Many conflicts, particularly conflicts with black bears have more to do with human behavior then changes in bear populations (e.g., poor storing of trash, feeding of wildlife, feeding pets outside, bee hives operators not using electric fences to protect hives, etc.). Predator populations are usually limited by the availability of food resources and the spatial extent and connectedness of the landscape (Roemer et al. 2008); that is, their growth rates are determined by the availability of land and food. Given suitable land, as the extent and distribution of food resources decline so do their growth rates.

The notion that predator populations will grow unabated without human intervention (mortality through sport hunting or culling) is simply unfounded and lacks evidentiary support. In 1972 a blue-ribbon panel of experts produced a report on the state of predator control in North America (Cain et al. 1972). This report assailed the industry of predator control, and pointed out the faulty reasoning behind most (if not all) predator control operations, the lack of science supporting the industry and the failure to actually solve or reduce predator conflicts with humans. They concluded:

> Our recommendations would change the present federal-state cooperative program drastically by concentrating on animals which cause damage, specifically by using non-chemical methods of control which would curtail the attrition against non-target species of ecological and social value. This remarkable program continues unabated in the face of criticism, largely on a basis of unvalidated assumptions (Cain et al. 1972).

This finding notwithstanding, the traditional predator control approaches championed by the those that mistakenly believe predators “must be controlled” and advocated by many wildlife agencies, including MIFW, still fail to heed this sage advice offered – actually, demanded – by these expert scientists. The traditional approach that relies on management of predators by prophylactic control measures or sport hunting is inconsistent with predation theory or the scientific literature.

Many game agencies and wildlife services engage in management schemes that were assailed by the Cain Report (and more recent analyses) as too costly and ineffective. Furthermore, the attitudes expressed by these agencies fail to recognize that predation is an important and critical ecological process, without which, many systems become unstable. Berger (2006) reported that the massive and expensive control programs (about $1.6 billion in real dollars

from 1939 to 1998) aimed at reducing predator populations in and around domestic sheep herds have had little effect on the declining trends in the sheep industry. In fact, Berger found that the decline of the sheep industry was more closely associated with unfavorable market conditions rather than predator losses.

Intact predator populations serve an important role in maintaining full ecosystem function. For example, researchers in Southern California and elsewhere have found that coyotes serve an important function of maintaining the natural bird diversity (Crooks and Soule 1999). Their research demonstrated that coyotes were effective in reducing predation on native populations of birds by small carnivores thereby resulting in a healthier ecosystem (as defined by higher natural biodiversity). In turn, research in Yellowstone on the reintroduction of the wolf has found that restoring wolves has increased the growth rates of pronghorn populations, since wolves suppress their major predator, the coyote (Berger et al. 2001, Berger et al. 2008).

Taylor (1984) provides clarity in how wildlife management agencies tend to oversimplify the ramifications of predation theory. He argues that the wildlife profession largely relies on relatively short-term predator control studies and that while short-term predator removal may change the stability of the prey population, the average equilibrium density remains relatively unchanged. As of 1985, he was unmoved that the literature provided any evidence that predator removal studies demonstrated any long-term benefit.

A similar conclusion was reached a number of years later by the National Research Council (NRC 1997) for the on-going Alaska predator control and sport hunting effort where they reported "…there is no factual basis for the assumption that a period of intensive control for a few years can result in long-term changes in ungulate population densities."

One of the consistent conclusions of the scientific literature over the last forty years is that efforts to lower carnivore populations to increase ungulate populations or reduce conflicts is not supported by the evidence (Taylor 1984, NRC 1999, Cougar Management Guidelines Working Group 2005). Hurley et al. (2011) provides another recent example as they unequivocally and succinctly conclude:

> In conclusion, benefits of predator removal appear to be marginal and short term in southeastern Idaho and likely will not appreciably change long-term dynamics of mule deer populations in the intermountain west.

Their findings were based on an experimental control study that removed a significant number of coyote and cougar between 1997-2003 from large areas in Southeastern Idaho.

A good example of how sport hunting is an ineffective tool to reduce conflict with predators is found with black bears. Garshelis and Noyce (2008) argue that diversity in food resources is an important contributor to stability in bear populations. They caution that poor food years can increase sightings and conflict with bears, giving people the *perception* that bear numbers have increased, when in fact growth rates may have declined. In addition, some nuisance bears (e.g., breaking into cars or homes) are not as vulnerable to hunting as non-nuisance bears – thereby minimizing the effectiveness of hunting in reducing conflicts.

Conflicts with bears are more likely influenced by poor food years and the availability of human foods in or near human habitation. Thus, it is again an unsupported assertion that sport hunting will likely reduce conflicts with bears or as MIFW argues that the need to increase the

sport kill of bears is critical to maintain conflicts as low levels – an assertion in search of evidence.

California: a living laboratory

Francis Bacon, the father of modern science noted over 300 years ago, "…that the quilt of the senses is either two sorts, it destitutes us or deceives us." In other words, our ability to understand natural systems is a constant struggle as we are confronted with biases and perceptions that color our ability to make robust inferences regarding the natural world.

A great example that highlights the failure of perception and bias as the foundation of analysis can be found in California with the cougar. Reliance on evidence dispels the notion that sport hunting is a critical management tool for predators as I will so aptly demonstrate using the cougar in California. Cougars have not been hunted in California since 1971 and California supports the largest amount of high quality cougar habitat in the North America and the greatest number of humans. About 110 to 120 cougars are killed annually in California mostly due to depredation on livestock or pets – a fraction of the kill total for most other smaller Western States (sport take in several of these states exceed 400 to 500 annually). If the assertions that sport hunting were an important "tool" one would assume that California would have substantially greater human-cougar conflict when compared with other western states that support aggressive sport hunt programs. Yet when normalized for the size of the cougar and human population in each state and western Canadian provinces, California does not rank 1st, but actually ranks 11th. In other words, the risk of an attack by a cougar is greater in ten other Canadian provinces and western states with aggressive sport hunting programs, and fewer humans and cougars.

Additionally, California supports about five million cattle and nearly a million sheep (more than all of western states except Texas), and yet the absolute number of depredation incidences places it about in the middle. If we consider depredation rate, California would rank near the bottom, as it does with attacks on humans. This completely contradicts the argument that sport hunting or predator control is a valuable and necessary management tool. This extensive analysis of attack statistics across North America has caused me to conclude that the intensity of sport-hunting cougars is not at all correlated with a concomitant change in the risk to humans or livestock. Nor has the lack of sport hunting resulting in a constantly increasing cougar population. In fact, by all measures the population of cougars has changed relatively little over the last 20 or so years. If anything, the population continues to loose habitat and its populations are becoming increasingly fragmented, as has been so aptly demonstrated in Southern California and the San Francisco Bay Area.

An interesting piece of research from Northeastern Washington has found that increased killing of cougars, while it has resulted in a short-term decline in the cougar population, also resulted in increasing conflicts with humans, as younger male cougars, which become more prevalent in hunted populations, are more prone to prey on livestock than older male and female cougars (Lambert et al. 2006, Robinson et al. 2008).

Conclusion on the importance and need of killing predators to "manage" them

While sport-hunting or trapping of predators is often touted as a management tool, it simply has not shown to be. In essence we manage for the sport hunt, not by it. Black bear or cougar hunting programs across North America, indiscriminate killing or aggressive control programs

for coyotes and other predators do not provide effective means to reduce conflicts between these predators and human interest.

It appears to me, that many state and federal game managers expend considerable energy ignoring the best available science that clearly demonstrates efforts to “manage” predators by broad lethal efforts fails. We have failed to heed the sound evidence- based recommendations of the scientific literature, as was part of the Cain Report and have not shifted our focus away from costly and ineffective programs aimed at killing predators to meet some ill defined objective. Traditionally across North America, policymakers find themselves unwilling to move from severely failed management schemes to more cost-effective and ecologically relevant ones. I believe California is better poised to integrate ecologically sound management of predators and move away from programs like trapping of bobcats that is not supported by the residents of California, nor by the majority of conservation scientists.

Thank you for the opportunity of addressing the Fish and Game Commission.

Sincerely,

Rick A. Hopkins, Ph.D.,
Principal and Senior Conservation Biologist

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From: [redacted]
To: FGC
Cc: [redacted]
Subject: WRC Predator Management Writing Group
Date: Monday, August 10, 2015 9:46:16 AM

Based on statements made by Commission President Jack Baylis at the August 5th F&GC meeting regarding dividing the WRC Predator Management Subcommittee into two groups: 1) Writing Group; and, 2) Review Group, I would like to volunteer to be on the Writing Group. Unfortunately, my travel schedule will prevent me from attending the next WRC meeting on September 9th in Fresno but I request to be considered for the Writing Group, none the less.

Best regards,

Jim Conrad
President, San Diego Chapter SCI and
Member of San Diego County Wildlife Federation
[redacted]

Monday, May 11, 2015

Fish & Game Commission
California Fish and Game Commission
1416 Ninth Street, Suite 1320
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(916) 653-4899
fgc@fgc.ca.gov

RE: Stakeholders' Working Groups

Dear President Baylis, Commissioners and Sonke Mastrup,

I'd like to formally "put my name in the hat" to be consider for one of the Five who will be helping draft the beginnings of a predator policy and suggest revisions to existing predator management regulations for your consideration.

I believe I am uniquely suited for this position as I am a writer, I am self employed and can devote time to this endeavor. I am also very familiar with the regulations, in fact, I have already put some time and thought into this (see attached).

I also recently submitted a first draft of Best Practices for Response, Care and Re-Wilding of Mountain Lions in California to the Department. I believe it is currently being reviewed by Nicole Carion, Steve Torres and Mark Kenyon.

If I were chosen for this exclusive group, I would be representing Humane Wildlife Control Association (a national trade association) and my nonprofit, Wildlife Emergency Services. Through these two entities I am very well-connected and feel as though I could represent the voices of my colleagues in both fields.

If I may, I think it would be good to share the panel with someone representing the livestock industry, a sport hunter or trapper, I think it would be good to have Camilla Fox or someone she appoints to speak from her camp, and a biologist familiar with California predator species.

I hope you will consider me for the Five. I have an alternate in mind - my husband Duane, who would be kept apprised and take my place should I be unavailable. If I am not one of the Five, I do hope you'll allow me to serve on the review committee of 10-20.

Thank you for your time and consideration.

Rebecca Dmytryk
Owner / Humane Wildlife Control
President / Humane Wildlife Control Association

[redacted]

From:	Bill Gaines
To:	Mastrup, Sonke@FGC
Cc:	Woodson, Caren@FGC
Subject:	Predator Policy Group
Date:	Thursday, May 07, 2015 4:50:45 PM

Sonke:

Wanted to give you a call, but am on the road and do not have your number in my phone. I spoke to Jim Waters earlier today so he could update me on yesterday's WRC. He mentioned the "Group of 5"
that the Commission is considering pulling together to facilitate finding consensus solutions to the difficult issues facing us on the topic of the predator management. I believe my background in regulatory and legislative wildlife management policy, my deep involvement in this specific topic area, and my willingness to spend the time necessary - all combined with the fact that those I represent and others I partner with that have an interest in this issue - would make me a great asset to the group and the process. Please let me know what I need to do on my end to be considered.

Thank you,

Bill
Bill Gaines
Gaines & Associates
Government Relations

From:	Mark Hennelly
To:	FGC
Cc:	Mastrup, Sonke@FGC
Subject:	Predator Management Writing Group - Request for Participation
Date:	Friday, August 28, 2015 11:26:01 AM

California Waterfowl is interested in participating on the Predator Management Writing Group, and requests that the Commission include us as part of that group. Predation of waterfowl nests by coyotes, foxes, skunks and raccoons can have a significant effect on local waterfowl and other ground-nesting bird production, and CWA also has considerable experience in drafting legislation and other rules as it relates to F&G-related regulations. Thank you for the consideration.

Mark Hennelly, Vice President of Legislative Affairs and Public Policy
California Waterfowl
[redacted]

From:	Nagami, Damon
To:	Woodson, Caren@FGC
Cc:	Mastrup, Sonke@FGC
Subject:	interest in predator policy workgroup
Date:	Monday, August 24, 2015 3:51:49 PM

Hi, Caren and Sonke. I heard from Jean Su with CBD that folks interested in participating as part of the predator policy workgroup should contact you. I'm interested in serving on the larger review group (the "second tier") if there is still space available. Please let me know if you need anything else from me.

Thank you!

Damon Nagami
NRDC

DAMON NAGAMI
Senior Attorney
Director, Southern California Ecosystems Project

NATURAL RESOURCES
DEFENSE COUNCIL
1314 SECOND STREET
SANTA MONICA, CA 90401
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Please save paper.
Think before printing.

From: [redacted]
To: FGC
Cc: Mastrup, Sonke@FGC; Woodson, Caren@FGC
Subject: Request to Wildlife Resources Committee
Date: Wednesday, August 19, 2015 3:14:20 PM

Dear Mr. Baylis, Mr. Kellogg, and Mr. Mastrup:

I am writing to ask for your consideration in appointing me as one of the 12-16 people to the Predator Management Policy Review review group. I am currently on the Wildlife Resources Committee workgroup.

As a Board Member for the California Council for Wildlife Rehabilitators, as well as the chair of the Advocacy Committee, I feel that we should be invited to participate in any review of predator management policy. CCWR represents about 300 permitted wildlife rehabilitators, and wildlife rehabilitation organizations throughout the state. We annually treat over 60,000 animals. Our job/goal is to take in injured, ill, and orphaned wildlife, rehabilitate them and return them to the wild. The vast majority of these animals are brought into wildlife rescue organizations from the general public. Also, the majority of these animals come in because they have had some sort of a run-in with humans, their pets, their cars, their farm equipment, etc. Wildlife rehabilitators perform a valuable service to our communities.

Our members work hands on with the native wildlife in this state, and because of this they get to know these species intimately. In addition, we take classes to learn about the different species, their habits, their habitats, their benefits, their niche in nature and, we network like crazy. Because of our work, we probably know more about these animals than most people. In addition, one of our biggest jobs is educating the public about wildlife. It is a very important part of our work and one that we spent a lot of time on. We explain to people why they should not feed wildlife, why they can't keep that baby raccoon, why they should keep their cats indoors, trapping rules, etc. There is so much misinformation out there about wildlife! I feel strongly that educating the public about wildlife is one of the most important things we can do.

Since I am the one requesting to be on the review group, I will tell you something about me. I've been a wildlife rehabilitator for 12 years. I operate as a satellite branch of Sonoma County Wildlife Rescue and operate out of my home. My specialty is raising and releasing orphaned mammals. I have given presentations on this topic both at CCWR and at our national organization, The National Wildlife Rehabilitators Association. For the past few years I have been writing a monthly column, LIVING WITH WILDLIFE, for my local paper, The Kenwood Press. My goal being to educate the locals about wildlife. I was instrumental in getting CCWR to finally have an Advocacy Committee, and since that time, I have been attending as many DFGC meetings as possible, as well as WRC meetings. I might add that I am doing that on my own dime. I advocate for wildlife on a daily basis. I consider it a very rare privilege to work with wildlife and feel that it the most rewarding thing I ever done.

It is my hope that you will give my request to be on the review group of the Predator Management Policy Review your serious consideration.

Thank you.

Sharon Ponsford
Board Member
Chair, Advocacy Committee

CCWR
CALIFORNIA COUNCIL FOR WILDLIFE REHABILITATORS

From:	Mastrup, Sonke@FGC
To:	FGC
Subject:	Fwd: Nomination WRC Predator Policy Working Group
Date:	Friday, August 21, 2015 12:57:34 PM
Attachments:	image003.jpg

Sent from my iPhone

Begin forwarded message:

From: Rick Travis [redacted]
Date: August 21, 2015 at 12:47:22 PM PDT
To: "[redacted]
Cc: "Mastrup, Sonke@FGC" <Sonke.Mastrup@fgc.ca.gov>
Subject: Nomination WRC Predator Policy Working Group

Sonke,

Per our conversation today, I would like to have added to the WRC Predator Policy Working Group our CRPA Legislative Director Mr. Tom Pedersen and NRA Lobbyist Mr. Ed Worley. I have included both of their contact information below. I would also like to request that I be added to the email list for meeting times and agendas. Thank you as always for your support.

Tom Pedersen
CRPA Legislative Director
[redacted]

Ed Worley
NRA Legislative Liaison
[redacted]

Thank you

Rick Travis
Program Director
California Rifle and Pistol Association
[redacted]

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