

SELECTION OF EXISTING PREDATOR POLICIES, CODE AND REGULATIONS

Commission Policies:

DEPREDATION CONTROL

It is the policy of the Fish and Game Commission that:

All wildlife species shall be maintained in harmony with available habitat whenever possible. In the event that some birds or mammals may cause injury or damage to private property, depredation control methods directed toward offending animals may be implemented. Should such depredation be upon wildlife species being intensively managed, the Department may institute appropriate depredation control methods directed towards the offending animals.

RAPTORS

It is the policy of the Fish and Game Commission to:

- I. Recognize that raptors, including vultures, hawks, eagles, falcons, kites, ospreys and owls, are part of California's native fauna, are integral to their ecosystems, and have intrinsic, ecological, scientific, educational, economic and recreational values.
- II. It is the intent of the Commission to insure that raptor populations and their habitats shall be identified, monitored, maintained, restored and enhanced through research, management and protection by the Department and to insure that the utilization of or impacts to any population of raptor species will not contribute to its depletion in the wild.

In instances where depredation by raptors occurs, reasonable measures shall be taken by the landowner to protect his/her property before permission may be obtained to take depredating animals as authorized by federal law. However, taking of endangered or threatened species and the indiscriminate take of raptors shall not be permitted.

The Commission recognizes falconry, as authorized in the Fish and Game Code, as a legitimate use of this wildlife resource. The Commission recognizes that captive raptor breeding programs may be an important management tool in the re-establishment of endangered or threatened species in the wild.

Species found to be endangered or threatened shall receive maximum protection and management effort to ensure their survival.

SHELLFISH AND SEA OTTER CONFLICTS

The Fish and Game Commission declares the following:

- 1. The management and conservation of marine resources are important to the State of California and fish and wildlife resources are held in trust for the people of the State by and through the Department of Fish and Game. [FGC Sec. 711.7(a) and Sec. 1600]
- 2. It is the policy of the State to encourage the conservation, maintenance, and utilization of marine resources for the benefit of all citizens and to promote the development of local fisheries, to encourage the growth of commercial fisheries, and to achieve the sustainable use of the state's fisheries. [FGC Sec. 1700 and Sec. 7055]

- 3. Significant legislation enacted in 1998 established the State policy that marine living resources are to be conserved, used and restored for the benefit of all citizens; that the health and diversity of entire marine ecosystems and all marine resources are to be conserved; and that State actions are to recognize the importance of sustainable fisheries to the economy and the culture of California. [AB 1241]
- 4. The Commission has previously adopted policies to encourage the development and expansion of commercial fishing and to cooperate with local, state and federal agencies and private persons and organizations to further the conservation of fish and wildlife.
- 5. In 1986 a federal law was enacted amending the Endangered Species Act. The amendment specifically provides authority for the U.S. Fish and Wildlife Service to cooperatively undertake, with the Department of Fish and Game, a zonal management plan for the threatened southern sea otter that has its primary objective to conserve both sea otters and local commercial fisheries. This federal law paved the way for a Memorandum of Understanding between the two agencies and initiated an extraordinary effort to balance apparently competing needs and give assurances to both wildlife conservation and commercial fishing interests.

Therefore, it is the policy of the Fish and Game Commission to:

- 1. Actively encourage on its own initiative and with the Department of Fish and Game, consistent with state law and legislatively established policy, a balanced solution to minimize shellfish fishery and sea otter conflicts that provides assurances for sea otter recovery, sustainable local commercial and sport fishing, healthy marine ecosystems, and strong local economies.
- 2. Support and encourage the Department in completing and maintaining a current comprehensive Sea Urchin management plan that considers among other issues the long-term impacts of various levels of fishing effort, predation, and habitat quality.
- 3. Confer with appropriate state and federal agencies, local governments, scientific experts, fishery participants, sea otter support groups, and other interests in exploring options for and identifying a balanced zonal management plan that protects the marine resources of the State and supports sustainable local commercial fishing industries.
- 4. Promote a healthy marine ecosystem as the single best way to recover sea otters and promote local fisheries and encourage appropriate federal and State agencies to undertake research efforts necessary to identify the cause or causes for the continued decline in the sea otter population.
- 5. Pursue financial resources to match federal funds in undertaking research and management efforts designed to promote recovery of California's sea otter population while minimizing conflicts with shellfish fisheries and other marine resource uses. These funds could include general State revenues and the State's share of federal funds from Section 6 of the Endangered Species Act, sections 109 and 110 of the Marine Mammal Protection Act, or Pittman-Robertson federal aid.

FISH AND GAME CODE:

DIVISION 3. FISH AND GAME GENERALLY [2000. - 2948.]

CHAPTER 1. Taking and Possessing in General [2000. - 2021.5.]

2003.

(a) Except as specified in subdivisions (b), (c), and (d), it is unlawful to offer any prize or other inducement as a reward for the taking of any game birds, mammals, fish, reptiles, or amphibians in an individual contest, tournament, or derby.

(b) The department may issue a permit to any person authorizing that person to offer a prize or other inducement as a reward for the taking of any game fish, as defined by the commission by regulation, if it finds that there would be no detriment to the resource. The permit is subject to regulations adopted by the commission. The application for the permit shall be accompanied by a fee in the amount determined by the department as necessary to cover the reasonable administrative costs incurred by the department in issuing the permit. However, the department may waive the permit fee if the contest, tournament, or derby is for persons under the age of 16 years, or who are physically or mentally challenged, the primary purpose of the contest, tournament, or derby is to introduce young anglers to, or educate them about fishing. All permits for which the fee is waived pursuant to this subdivision shall comply with all other requirements set forth in this section.

(c) This section does not apply to any person conducting what are generally known as frog-jumping contests or fish contests conducted in waters of the Pacific Ocean.

(d) This section does not apply to any person conducting an individual contest, tournament, or derby for the taking of game birds and mammals, if the total value of all prizes or other inducements is less than five hundred dollars (\$500) for the individual contest, tournament, or derby.

DIVISION 4. BIRDS AND MAMMALS [3000. - 4904.]

PART 3. MAMMALS [3950. - 4904.]

CHAPTER 2. Fur-Bearing Mammals [4000. - 4043.]

ARTICLE 1. Trapping Provisions [4000. - 4012.]

4000.

The following are fur-bearing mammals: pine marten, fisher, mink, river otter, gray fox, red fox, kit fox, raccoon, beaver, badger, and muskrat.

4002.

Fur-bearing mammals may be taken only with a trap, a firearm, bow and arrow, poison under a proper permit, or with the use of dogs.

4003.

It is unlawful to use poison to take fur-bearing mammals without a permit from the department. The department may issue such a permit upon a written application indicating the kind of poison desired to be used and the time and place of use.

4004.

It is unlawful to do any of the following:

(a) Use a trap with saw-toothed or spiked jaws.

(b) Use or sell leghold steel-jawed traps with a spread of $5\frac{1}{2}$ inches or larger without offset jaws.

(c) Use steel-jawed traps larger than size $1\frac{1}{2}$ or with a spread larger than $4\frac{7}{8}$ inches for taking muskrat.

(d) Set or maintain traps which do not bear a number or other identifying mark registered to the department or, in the case of a federal, state, county, or city agency, bear the name of that agency, except that traps set pursuant to Section 4152 or 4180 shall bear an identifying mark in a manner specified by the department. No registration fee shall be charged pursuant to this subdivision.

(e) Fail to visit and remove all animals from traps at least once daily. If the trapping is done pursuant to Section 4152 or 4180, the inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.

(f) Use a steel leghold trap with a spread exceeding 7¹/₂ inches or killer-type trap of the conibear type that is larger than 10 inches by 10 inches.

(g) Set or maintain steel leghold traps within 30 feet of bait placed in a manner or position so that it may be seen by any soaring bird. As used in this subdivision, "bait" includes any bait composed of mammal, bird, or fish flesh, fur, hide, entrails, or feathers.

(h) Set or maintain steel leghold traps with a spread of 5¹/₂ inches or larger without a tension device.

4011.

(a) Fur-bearing mammals, game mammals, and nongame mammals, when involved in dangerous disease outbreaks, may be taken by duly constituted officials of any of the following:

(1) The United States Department of Agriculture.

(2) The United States Department of the Interior.

(3) The United States Department of Health and Human Services.

(4) The Department of Food and Agriculture.

(5) The State Department of Public Health.

(6) The department.

(b) A county official may take fur-bearing mammals, game mammals, and nongame mammals pursuant to this section, upon the prior approval of the director or his or her designee and in a manner approved by the director or his or her designee.

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FISH AND GAME CODE - FGC

DIVISION 4. BIRDS AND MAMMALS [3000. - 4904.]

PART 3. MAMMALS [3950. - 4904.]

CHAPTER 3. Nongame Mammals and Depredators [4150. - 4190.]

ARTICLE 1. Nongame Mammals [4150. - 4154.]

4150.

All mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-bearing mammals, are nongame mammals. Nongame mammals or parts thereof may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission.

4152.

(a) Except as provided in Section 4005, nongame mammals and black-tailed jackrabbits, muskrats, subspecies of red fox that are not the native Sierra Nevada red fox (*Vulpes vulpes necator*), and red fox squirrels that are found to be injuring growing crops or other property may be taken at any time or in any manner in accordance with this code and regulations adopted pursuant to this code by the owner or tenant of the premises or employees and agents in immediate possession of written permission from the owner or tenant thereof. They may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city officers or employees when acting in their official capacities pursuant to the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code. Persons taking mammals in accordance with this section are exempt from Section 3007, except when providing trapping services for a fee. Raw furs, as defined in Section 4005, that are taken under this section, shall not be sold.

(b) Traps used pursuant to this section shall be inspected and all animals in the traps shall be removed at least once daily. The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.

4153.

The department may enter into cooperative agreements with any agency of the state or the United States for the purpose of controlling harmful nongame mammals.

The department may take any mammal which, in its opinion, is unduly preying upon any bird, mammal, or fish.

4154.

The department may enter into cooperative contracts with the United States Fish and Wildlife Service in the Department of the Interior in relation to the control of nongame mammals and for that purpose may expend any money made available to the department for expenditure for control or eradication of nongame mammals.

ARTICLE 2. Depredators [4180. - 4190.]**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) 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).

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

(e) 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.

4185.

In any district or part of a district within San Bernardino and Riverside Counties, bears may be taken at any time with traps within a good and substantial fence, as such fence is described in Section 17121 of the Food and Agricultural Code, surrounding beehives, if no part of the fence is at a distance greater than 50 yards from a beehive, and if a conspicuous sign is posted and maintained at each entrance to the enclosed premises to give warning of the presence of the traps. No iron or steel-jawed or any type of metal-jawed trap shall be used to take bear under this section.

4190.

The department shall tag, brand, or otherwise identify in a persistent and distinctive manner any large depredatory mammal relocated by, or relocated with the approval of, the department for game management purposes.

TITLE 14:

Title 14. Natural Resources

Division 1. Fish and Game Commission-Department of Fish and Game

Subdivision 2. Game and Furbearers

[Chapter 1.\(Refs & Annos\)](#)

250. General Prohibition Against Taking Resident Game Birds, Game Mammals and Furbearing Mammals.

Except as otherwise provided in this Title 14, and in the Fish and Game Code, resident game birds, game mammals and furbearing mammals may not be taken at any time.

Note: Authority cited: Sections 200, 202, and 203, Fish and Game Code. Reference: Sections 200-203.1, 206, 207, 211-222, 2000, 2001, 3000, 3500, 3950, and 4000, Fish and Game Code.

265. Use of Dogs for Pursuit/Take of Mammals or for Dog Training.

(a) Prohibitions on the Use of dogs. The use of dogs for the pursuit/take of mammals or for dog training is prohibited as follows:

(1) The use of dogs is prohibited during the archery seasons for deer or bear.

(2) The use of dogs is prohibited for the take of bear, bobcat, elk, bighorn sheep and antelope.

(3) Mountain lions may not be pursued with dogs except under the provisions of a depredation permit issued pursuant to Section 4803 of the Fish and Game Code. Bear or bobcat may not be pursued with dogs except under the provisions of a permit issued pursuant to sections 3960.2 or 3960.4 of the Fish and Game Code. Dog training on mountain lions is prohibited.

(4) The use of dogs for the pursuit/take of mammals or for dog training is prohibited from the first Saturday in April through the day preceding the opening of the general deer season in the following dog control zones:

(A) Central California Dog Control Zone: Napa County north of Highway 128 and east of Highway 29; Lake County east of a line beginning at the Lake-Napa county line and Highway 29; northwest on Highway 29 to Highway 53. From Highway 53 turn northwest on Highway 20; northwest on Highway 20 to the Lake-Mendocino county line; north on the Lake-Mendocino county line to the Lake-Glenn county line; south on Lake-Glenn county line to the Lake-Colusa county line; south on the Lake-Colusa county line to the Lake-Yolo county line; southwest on the Lake-Yolo county line to the Lake-Napa county line; west on the Lake-Napa county line to the starting point. Mendocino County east of Highway 101, and north of Highway 20. Sierra and Alpine counties and those portions of Nevada, Placer, Amador and Calaveras counties east of Highway 49; and El Dorado County east of the following line: Beginning at the junction of Highway 49 and the Placer-El Dorado county line; south on Highway 49 to Highway 193 at Cool; east and south along Highway 193 to Highway 49 in Placerville; south on Highway 49 to the Amador-El Dorado county line; east on the El Dorado-Amador county line to the Alpine-El Dorado county line; east on the Alpine-El Dorado county line to the California-Nevada state line; north on the California-Nevada state line to the Placer-El Dorado county line; west on the Placer-El Dorado county line to the starting point.

(B) Northern California Dog Control Zone:

Plumas and Trinity counties. Butte County east of the following line: Beginning at the junction of Highway 99 and the Butte-Tehama county line; south and east along Highway 99 to Highway 149; south and east along Highway 149 to Highway 70; south along Highway 70 to the Butte-Yuba county line; east on the Butte-Yuba county line to the Butte-Plumas county line; north on the Butte-Plumas county line to the Butte-Tehama county line southwest on the Butte-Tehama county line to the starting point. Del Norte County east of Highway 101. Glenn County west of a line beginning at the intersection of County Road 200 and the Glenn-Tehama county line; southeast on County Road 200 to County Road 306; south along County Road 306 to the Colusa-Glenn county line; west on the Colusa-Glenn county line to the Glenn-Lake county line; northwest on the Glenn-Lake county line to the Glenn-Mendocino county line; north on the

Glenn-Mendocino county line to the Glenn-Tehama county line; east on the Glenn-Tehama county line to the starting point. Humboldt County north of Highway 36 and east of Highway 101. Siskiyou County south and west of the line defined as follows: Beginning at the Oregon-California state line at Interstate 5, proceed south on Interstate 5 to Highway 97 at the town of Weed; north on Highway 97 to Meiss Lake Road near the town of Macdoel; east on Meiss Lake Road to Old State Highway; south on Old State Highway to Redrock Road; east on the Redrock Road (forest service road 15[8Q03] to Willow Creek Red Rock Road; north on Willow Creek Red Rock Road to the Gold Digger Pass Road (N8U01); east on the Gold Digger Pass Road to the western boundary of the Lava Beds National Monument; north and east on said boundary to the Siskiyou-Modoc county line; south on the Siskiyou-Modoc county line to the Siskiyou-Shasta county line; west on the Siskiyou-Shasta county line to the Siskiyou-Trinity county line; west on the Siskiyou-Trinity county line to the Siskiyou-Humboldt county line; northwest on the Siskiyou-Humboldt county line to the Siskiyou-Del Norte county line; north on the Siskiyou-Del Norte county line to the California-Oregon state line; east on the California-Oregon state line to the starting point. Shasta County south and west of Highway 89 and north of the line defined as follows: Beginning at the Shasta-Tehama county line and Highway 36 near the town of Beegum, go west on Highway 36 to County Road A16; north on County Road A16 to Pine Street in the city of Redding; north on Pine Street to Eureka Way (Highway 299); west on Eureka Way (Highway 299) to Highway 273; north on Highway 273 to Interstate 5; north on Interstate 5 to the south shore of Shasta Lake; east and north along the southern shore of Shasta Lake to Fender's Ferry Road; southeast on Fender's Ferry Road to Highway 299; southwest on Highway 299 to Oakrun Road; southwest on the Oakrun Road to Fern Road in the town of Oakrun; northeast on the Oakrun Road to Fern Road to the town of Fern; south and west on Fern Road to Whitmore Road; east on Whitmore Road to the town of Whitmore. From Whitmore Road turn south on Ponderosa Way to Innwood Road; Innwood Road to Highway 44 near Innwood; east on Highway 44 to Wilson Hill Road; south on Wilson Hill Road to Rock Creek Road; south on Rock Creek Road to the Shasta-Tehama county line; east along the Shasta-Tehama county line to Highway 89; North on Highway 89 to the Shasta-Siskiyou county line; west along the Shasta-Siskiyou county line to the Shasta-Trinity county line; southeast along the Shasta-Trinity county line to the Shasta-Tehama county line; east along the Shasta-Tehama county line to the starting point. The following portions of Tehama County: Those portions of Tehama County within the Mendocino National Forest and east of Ponderosa Way. Those portions of Tehama County within the Lassen National Forest. Those portions of Tehama County east of Ponderosa Way. Those portions of Lassen County north and west of the following line: North from the Lassen-Sierra county line on Highway 395 to Highway 36 east of Susanville; northwest on Highway 36 to Highway 139; north on Highway 139 to the Lassen-Modoc county line; west along the Lassen-Modoc county line to the Lassen-Shasta county line; south along the Lassen-Shasta county line to the Plumas-Lassen county line; southeast along the Plumas-Lassen county line to the Lassen-Sierra county line; east along the Lassen-Sierra county line to the starting point.

(C) Southern Sierra Dog Control Zone:

Those portions of Tuolumne, Mariposa, Madera, Fresno and Tulare counties east of the following line beginning at the intersection of Highway 49 and the Calaveras-Tuolumne county line; south on Highway 49 to Highway 108; southwest on Highway 108 to Highway 120; east on Highway 120 to the Smith Station Road (J20); south on the Smith Station Road (J20) to the Greeley Hill Road; east on the Greeley Hill Road to the Briceburg Road; east on Briceburg Road to the North Fork of the Merced River at Bower Cave; south on the North Fork of the Merced River to Road 3S15 (Black Mountain Road/Ponderosa Way); south on Road 3S15 (Ponderosa Way) to Forest Service Road 3S02 (Ponderosa Way) crossing the U.S. Forest Service-Bureau

of Land Management property boundary in Section 28 located in Township 3S, Range 18E to Forest Service Road 2S05 (Bull Creek Road); south on Forest Service Road 2S05 (Bull Creek Road) to the Main Fork of the Merced River; west on the Main Fork of the Merced River to the southern boundary of Lake McClure; west on the southern boundary of Lake McClure to Highway 49; south on Highway 49 to Highway 140 at Mariposa; north on Highway 140 to the South Fork of the Merced River; east along the South Fork of the Merced River to Hite Cove Trail at Hite Cove. From Hite Cove south on the U.S. Forest Service Road (Hite Cove Trail) to Hite Cove Road; south on Hite Cove Road to Scott Road; south on Scott Road to Jerseydale Road; south on Jerseydale Road through Jerseydale Station and Darrah to the Darrah Road; south along Darrah Road to Highway 49; south along Highway 49 to Highway 41 at Oakhurst; north along Highway 41 to its intersection with the Bass Lake Road at Yosemite Forks; south along Bass Lake Road to Road 274; south on Road 274 past Bass Lake on the east side of the lake to the junction with the Mammoth Pool Road at North Fork; west on Mammoth Pool Road to Road 222 (Auberry Road); south on Road 222 (Auberry Road) to the San Joaquin River; east along the San Joaquin River to Italian Bar Road (Road 225) at the Italian Bar Bridge; south on Italian Bar Road (Road 225) to Jose Basin Road (County Road M2441); east on Jose Basin Road (County Road M2441) to its intersection with Forestry Service Roads 8S08 (Railroad Grade Road) and 9S07 (Jose Basin Road); south on 9S07 (Jose Basin Road) to Jose Basin/Musick Farm Road; southeast on 9S07 to Auberry Road near Pine Ridge; east on Auberry Road to North Toll House Road; south on North Toll House Road to Peterson Road; east on Peterson Road to Big Creek Road; east on Big Creek Road (10S02) near Peterson Mill to Dinkey-Trimmer Road (10S69 Trimmer Springs Road) at Haslett Basin; east on Dinkey-Trimmer Road (10S69) to Sycamore Springs Road (11S02); east on Sycamore Springs Road (11S02) to Black Rock Road (11S12) at Balch Camp; east on the Black Rock Road (11S12) to the decommissioned 11S07 (the old Rodgers Ridge Road) at Black Rock Reservoir Dam; east along decommissioned 11S07 (old Rodgers Ridge Road) to Garlic Spur; south on Garlic Spur to the Kings River; west along the Kings River to Verplank Ridge; south on Verplank Ridge-Hoise Ridge to Forest Route 13S65; southeast on Forest Route 13S65 to Forest Route 13S03; southeast on Forest Route 13S03 to Highway 180 near Cherry Gap; south along Highway 180 to the north boundary of Kings Canyon/Sequoia National Park; south along the western boundary of Kings Canyon/Sequoia National Park to the northern boundary of Sequoia National Forest between Grouse Peak and Dennison Mountain; south along the common line between R29E and R30E, M.D.B.M. to the boundary of the Sequoia National Forest; east and south along that boundary to Balch Park Road; southeast along that road to the west boundary of Mountain Home Demonstration State Forest; south and east along that boundary to Forest Trail 30E14; southeast along 30E14 to the Doyle Springs Road (Wishon Drive); southwest along Doyle Springs Road (Wishon Drive) to Camp Wishon; southeast along the Alder Creek Grove-Hossack Meadow Road to Camp Nelson; east along Highway 190 to Coy Flat Road; south along Coy Flat Road to the boundary of the Tule River Indian Reservation; south along the east boundary of that reservation (County Highway J42) to Parker Peak; southeast through Upper Parker Meadow to Parker Pass. Parker Pass to Forest Route 22S81; south through Starvation Creek Grove on Forest Route 22S81 to M504 (Parker Pass); south on M504 to Forest Route 23S64; southeast on 23S64 to the southwest corner of Section 15, T23S, R31E, M.D.B.M., continuing to the northeast corner of Section 22, T23S, R31E, M.D.B.M.; south approximately 6 miles to Sugarloaf Winter Recreation Area.; southeast on Sugarloaf drive to Forest Road 24S23; northeast on Forest Route 24S23 to Forest Route 23S16; Southeast on Forest Route 23S16 to Portuguese Pass; southeast along Forest Route 23S16 (24S06) though Portuguese Pass to the Tulare-Kern county line; east along the Tulare-Kern county line to the Tulare-Inyo county line.; north along the Tulare-Inyo county line to Fresno-Inyo county line; north along the Fresno-Inyo county line to the Fresno-Mono county line; north along the Fresno-Mono County line to the Mono-Madera county line; north along the Mono-Madera county line to the Mono-

Tuolumne county line; north along the Mono-Tuolumne county line to the Alpine-Tuolumne county line; northwest along the Alpine-Tuolumne county line to the Calaveras-Tuolumne county line; southwest along the Calaveras-Tuolumne county line to the starting point. That portion of Kern County within a line beginning where the Tulare-Kern county line intersects the west boundary of the Sequoia National Forest; south along the said boundary to the Poso Flat Road; on Poso Flat Road to National Forest Route 25S03 (Rancheria Road); northeast along National Forest 25S03 (Rancheria Road) to National Forest 25S15 (Rancheria Road); north on National Forest 25S15 (Rancheria Road) to Rancheria Road; northeast along Rancheria Road through Shirley Meadow to Forest Highway 90 (Forest Route 23S16) at Greenhorn Summit; northeast on Forest Highway 90 (Forest Route 23S16) to Cow Creek; northeast on Cow Creek to Bull Run Creek; north on Bull Run Creek to the Tulare-Kern county line; west along said county line to the point of beginning, Those portions of Inyo and Mono counties west of Highway 395.

(D) Southern California Dog Control Zone: Those portions of Los Angeles, Ventura and Santa Barbara counties within the Los Padres and Angeles National Forests; and those portions of San Bernardino County within the San Bernardino and Angeles National Forests.

(b) Authorized Use of Dogs. The use of dogs for the pursuit/take of mammals or for dog training is authorized as follows:

(1) Dog Control Zones. The use of dogs for the pursuit/take of mammals or for dog training is permitted in the dog control zones described in subsections 265(a)(4)(A), (B), (C) and (D) from the opening day of the general deer season through the first Friday in April.

(2) Areas of the State Outside the Dog Control Zones. The use of dogs for the pursuit/take of mammals or for dog training in areas outside of the dog control zones is permitted year-round, except for closures and restrictions described in this Section 265 and Section 364, and the provisions of sections 3960 and 4800 of the Fish and Game Code which prohibit allowing any dog to pursue any big game mammal during the closed season on such mammal or mountain lions, elk or any fully-protected, threatened or endangered mammal at any time.

(3) Take of Depredating Mammals. The use of dogs is permitted for pursuing/taking depredating mammals by federal and county animal damage control officers or by permittees authorized under a depredation permit issued by the department.

(4) Take of Furbearers and Nongame Mammals. Furbearers and nongame mammals as specified in subsection 472(a) may be taken with the aid of dogs during the appropriate open season, except for closures and restrictions described in subsections 265(a) and (b).

(5) Prohibition on Starting Pursuit Within 400 Yards of Baited Area. Pursuits may not be started within 400 yards of a baited area as described in Section 257.5 of these regulations.

(6) Dog Training. Except for the prohibitions of subsection 265(a), dog training is permitted pursuant to the following provisions:

(A) Dog Training Defined. For purposes of these regulations, dog training is defined as the education of dogs through "breaking" or "practicing" under strict provisions that preclude the injuring or take of animals. Training is distinguished from "pursuit", as used in Section 86 of the Fish and Game Code, in that the animal being chased shall not be killed, captured, or injured.

(B) Prohibition on Killing, Capturing or Injuring Mammals. No person shall kill, capture or injure any mammal, nor shall any person's dog be allowed to kill, capture or injure any mammal during dog training.

(C) Prohibition on Possession of Equipment. No firearm, archery gear, crossbow or other instrument capable of killing, injuring or capturing any animal may be possessed by any person training dogs during the seasons described in subsection 265(b)(6)(F) below. Possession of a firearm, archery gear, crossbow or other instrument capable of killing or capturing any animal is prohibited while training dogs, but such equipment may be transported to or from a campsite, transported to or from a residence or lawfully possessed by a person at a campsite provided all dogs are secured and under the control of the owner, agent or person training or transporting said dogs.

(D) Prohibition on Starting Dog Training Within 400 Yards of Baited Area. Dog Training may not be started within 400 yards of a baited area as described in Section 257.5 of these regulations.

(E) Prohibition on Training Dogs on Big Game Mammals, Bobcat or on Protected, Threatened or Endangered Mammals. It shall be unlawful to train any dog on any big game mammal, bobcat, or to train any dog on any fully-protected, threatened or endangered mammal at any time. A person in possession of a valid deer tag may utilize the general deer season for purposes of educating a dog for deer. Only one dog may be used for training in areas where the general deer season (as described in subsection 360(a) and (b)) is open.

(F) Seasons.

1. Gray Fox. Dogs may be trained on gray fox from March 1 through the day preceding the opening of the general gray fox season, except for closures and restrictions described in subsections 265(a) and (b).

2. Raccoon. Dogs may be trained on raccoon from April 1 through the day preceding the opening of the general raccoon season, except for closures and restrictions described in subsections 265(a) and (b).

3. Other Mammals. Except for closures and prohibitions described in this Section 265 and sections 3960 and 4800 of the Fish and Game Code, dogs may be trained on mammals other than gray fox and raccoon at any time.

(c) Restrictions on the Number of Dogs per Hunter.

(1) One Dog per Hunter Limitation During Deer Season. No more than one dog per hunter may be used in the area where the general deer season is open.

(2) Three Dogs per Hunter Limitation for the Take of Wild Pigs. Up to three dogs per hunter may be used for the purpose of taking wild pigs, pursuant to the following provisions:

(A) No more than one dog per hunter may be used in an area where the general deer season is open.

(B) No dogs may be used within the closures described in subsection 265(a).

(d) Prohibition on Treeing Switches and Use of Global Positioning System Equipment.

(1) Treeing Switches. Electronic dog retrieval collars containing functioning treeing switches (devices consisting of a switch mechanism that results in a change in the transmitted signals when the dog raises its head to a treed animal) are prohibited on dogs used for the pursuit/take of mammals.

(2) Global Positioning System Equipment. Electronic dog retrieval collars employing the use of global positioning system equipment (devices that utilize satellite transmissions) are prohibited on dogs used for the pursuit/take of mammals.

Note: Authority cited: Sections 200, 202, 203, 3960, 3960.2 and 3960.4, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 3960, 3960.2, 3960.4 and 4756, Fish and Game Code.

365. Bear.

Except as provided in Section 366, bear may be taken only as follows:

(a) Areas:

(1) Northern California: In the counties of Del Norte, Humboldt, Plumas, Shasta, Siskiyou, Tehama and Trinity; and those portions of Lassen and Modoc counties west of the following line: Beginning at Highway 395 and the Sierra-Lassen county line; north on Highway 395 to the junction of Highway 36; west on Highway 36 to the junction of Highway 139; north on Highway 139 to Highway 299; north on Highway 299 to County Road 87; west on County Road 87 to Lookout-Hackamore Road; north on Lookout-Hackamore Road to Highway 139; north on Highway 139 to the Modoc-Siskiyou county line; north on the Modoc-Siskiyou county line to the Oregon border.

(2) Central California: In the counties of Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Mendocino, Nevada, Placer, Sacramento, Sierra, Sutter, Yolo and Yuba and those portions of Napa and Sonoma counties northeast of Highway 128.

(3) Southern Sierra: That portion of Kern County west of Highway 14 and east of the following line: Beginning at the intersection of Highway 99 and the Kern-Tulare county line; south on Highway 99 to Highway 166; west and south on Highway 166 to the Kern-Santa Barbara county line; and those portions of Fresno, Madera, Mariposa, Merced, Stanislaus, Tulare and Tuolumne counties east of Highway 99.

(4) Southern California: In the counties of Los Angeles, Santa Barbara and Ventura; that portion of Riverside County north of Interstate 10 and west of Highway 62; and that portion of San Bernardino County south and west of the following line: Beginning at the intersection of Highway 18 and the Los Angeles-San Bernardino county line; east along Highway 18 to Highway 247; southeast on Highway 247 to Highway 62; southwest along Highway 62 to the Riverside-San Bernardino county line.

(5) Southeastern Sierra: Those portions of Inyo and Mono counties west of Highway 395; and that portion of Madera County within the following line: Beginning at the junction of the Fresno-Madera-Mono county lines; north and west along the Madera-Mono county line to the boundary of the Inyo-Sierra National Forest; south along the Inyo-Sierra National Forest boundary to the Fresno-Madera county line; north and east on the Fresno-Madera county line to the point of

beginning. Also, that portion of Inyo county west of Highway 395; and that portion of Mono county beginning at the intersection of Highway 6 and the Mono county line; north along Highway 6 to the Nevada state line; north along the Nevada state line to the Alpine county line; south along the Mono-Alpine county line to the Mono-Tuolumne county line and the Inyo National Forest Boundary; south along the Inyo National Forest Boundary to the Inyo-Sierra Forest boundary; south along the Inyo-Sierra Forest boundary to the Fresno-Madera county line; north and east along the Fresno-Madera county line to the junction of the Fresno-Madera-Mono county line; south along the Mono-Fresno county line to the Mono-Inyo County line; east along the Mono-Inyo county line to the point of beginning.

(b) Seasons: Except in the deer hunt areas designated as zones X-1 through X-7b in subsection 360(b), the bear season shall open on the opening day of the general deer season as described in subsections 360(a) and (b) and extend until the last Sunday in December in the areas described in subsections 365(a)(1), (2), (3) (4) and (5) above. In those areas designated as deer hunting zones X-1 through X-7b, the bear season shall open on the second Saturday in October and extend for 79 consecutive days. The bear season shall be closed when the department determines that 1,700 bears have been taken pursuant to the reporting requirement in subsection 708.12(d). The department shall notify the commission, the public via the news media and bear tag holders via the U.S. mail and the news media when implementing this closure.

(c) Bag and Possession Limit: One adult bear per hunting license year. Cubs and females accompanied by cubs may not be taken. (Cubs are defined as bears less than one year of age or bears weighing less than 50 pounds.)

(d) No open season for bear in the balance of the state not included in subsection (a) above.

(e) Bait: No feed, bait or other materials capable of attracting a bear shall be placed or used for the purpose of taking or pursuing a bear. No bear shall be taken over such bait. No person may take a bear within a 400-yard radius of a garbage dump or bait.

Note: Authority cited: Sections 86, 200, 202 and 203, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1 and 207, Fish and Game Code.

366. Archery Bear Hunting.

Bear may be taken with bow and arrow during the bear season as specified in Section 365 and as follows:

(a) Areas: Those portions of the state as described in subsection 365(a).

(b) Season: The archery bear season shall open on the third Saturday in August and extend for 23 consecutive days. There is no open season for taking bear with bow and arrow in the balance of the state.

(c) Bag and Possession Limit: One adult bear per hunting license year. Cubs and female accompanied by cubs may not be taken. (Cubs are defined as bears less than one year of age or bears weighing less than 50 pounds.)

(d) The use of dogs is prohibited during the archery season for bear.

(e) Bait. No feed, bait or other materials capable of attracting a bear to a feeding area shall be placed or used for the purpose of taking or pursuing a bear. No bear shall be taken over such bait. No person may take a bear within a 400 yard radius of a garbage dump or bait.

Note: Authority cited: Sections 200, 202 and 203, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1 and 207, Fish and Game Code.

Subdivision 2. Game and Furbearers

 [Chapter 4. Depredation \(Refs & Annos\)](#)

400. Deer Depredation Hunts.

(a) A deer depredation hunt shall not be allowed where the number of deer involved numbers less than 25.

(b) Before applying for a depredation hunt the landowner or tenant shall consult with representatives of the department to determine the existence or threat of depredation. All applications shall be in writing, filed with the commission on forms supplied by the department, and shall recite on their face that the applicant grants to the holders of hunting permits free and unrestricted access to, and the use of his lands for the purpose of said hunt.

(c) Two or more landowners, or tenants, whose lands adjoin one another may apply jointly for a deer depredation hunt.

(d) Before a deer depredation hunt is allowed, the landowner or tenant concerned shall sign a statement holding the Department of Fish and Game, their agents, officers, and employees, free and harmless from all claims that may arise from permittees shooting over said area, and from all claims on account of any act or omission on the part of said state, department, or their agents, officers or employees when engaged solely in the discharge of their official duties and functions.

(e) Deer depredation hunts shall be confined to the lands owned or controlled by the applicant.

(f) Hunting permits shall be issued on a first-come, first-served basis by employees of the department only, at a time and place to be designated in the order authorizing the hunt.

(g) Applicants for hunting permits shall be 16 years of age or over.

(h) Hunting permits shall be valid only for the area and the period of time designated on the permit.

(i) Shooting time shall be one hour before sunrise to one hour after sunset.

(j) Permits shall not be transferable.

(k) Permittees shall check in at a designated checking station each day before hunting and shall check out at such station each day after hunting is finished.

(l) Permit tag shall be attached to the antlers of antlered deer or to the ear of antlerless deer immediately after killing.

(m) The commission shall designate the methods that may be used for each hunt. In addition to regular methods of take, these may also include 12 gauge shotguns shooting buck shot of size No. 2 or larger, and bows and arrows.

(n) Deer meat held more than 15 days after close of the hunt shall be stamped in accordance with Section 3081 of the Fish and Game Code.

(o) Employees of the department shall not be eligible to purchase hunting permits.

(p) The department may refuse to issue a permit to anyone, may revoke any permit, and may eject the holder from the area for any reason when it appears that the safety or welfare of the area, or that of other permittees, is endangered. Decision of the authorized employee of the department in this respect shall be final.

(q) Prior to the acceptance or issuance of a hunting permit all permittees shall consent in writing to the terms and conditions of these rules and regulations.

Note: Authority cited: Sections 4181, 4181.5, and 4188, Fish and Game Code. Reference: Sections 4181, 4181.5, and 4188, Fish and Game Code.

401. Issuance of Permit to Take Animals Causing Damage.

(a) Application. A person who is a property owner or tenant may apply to the department for a permit to take elk, bear, beaver, wild pigs, deer, wild turkeys, or gray squirrels that are damaging or destroying, or immediately threatening to damage or destroy, land or property.

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

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

(d) Methods of Take.

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

(2) The permittee and/or agent shall ensure that all animals are killed in a humane manner instantly and prevent any injured animal from escaping.

(e) Government Employees and Designated Agents.

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

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

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

(g) Written Report Required for Wild Pigs. The permittee shall provide a report listing the date and sex of each wild pig taken. A report shall be submitted whether or not any animals were taken. The reporting period shall be by calendar month. The permittee or designated agent shall complete and mail the report to the department on or before the 15th day of the following month. Reports shall be mailed to the address provided by the department.

(h) Tagging Animals. All animals taken pursuant to a permit, except wild pigs, shall be immediately tagged with tags provided by the department. Wild pigs shall be tagged prior to being transported from the property designated in the permit. Tags for animals except wild pigs shall be completed at the time the animal is taken. Tags for wild pigs shall be completed before the wild pigs are removed from the property. Tags shall clearly show the permittee's name, address, date and location the animal was taken and shall include the signature of the person taking the animal. The report portion of each tag shall be mailed to the department without delay. No tags are required for squirrels and beavers.

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

(j) Suspension and Revocation of Permits.

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

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

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

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

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

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.

Note: Authority cited: Sections 200, 202, 203, and 4009.5, Fish and Game Code. Reference: Sections 200-203.1, 206, 207, 211-222, 4000-4004, and 4009.5, Fish and Game Code.

461. Badger and Gray Fox.

(a) Badger may be taken as follows:

(1) Season and Area: November 16 through the last day of February, statewide.

(2) Bag and Possession Limit: No limit.

(b) Gray fox may be taken as follows:

(1) Season and Area: November 24 through the last day of February, statewide.

(2) Bag and Possession Limit: No limit.

(3) Dogs may be permitted to pursue gray fox in the course of breaking, training, or practicing dogs in accordance with the provisions of Section 265 of these regulations.

Note: Authority cited: Sections 200-202, 203 and 4009.5, Fish and Game Code. Reference: Sections 200-203.1, 206, 207, 211-222, 4000-4004 and 4009.5, Fish and Game Code.

462. Muskrat and Mink.

Except as noted in Section 4180, Fish and Game Code, muskrat and mink may be taken only as follows:

Season and Area: November 16 through March 31, statewide. (This regulation supersedes Section 4001 of the Fish and Game Code.)

Bag and Possession Limit: No limit.

Note: Authority cited: Sections 200, 202, 203, and 4009.5, Fish and Game Code. Reference: Sections 200-203.1, 206, 207, 211-222, 4000-4004, 4009.5, and 4180, Fish and Game Code.

464. Raccoon.

(a) Seasons and Areas:

(1) Raccoon may be taken from July 1 through March 31 in the following area: All of Imperial County and those portions of Riverside and San Bernardino counties lying south and east of the following line: Beginning at the intersection of Highway 86 with the north boundary of Imperial County; north along Highway 86 to the intersection with Interstate 10; east along Interstate 10 to its intersection with the Cottonwood Springs Road in Section 9, T6S, R11E, S.B.B.M.; north along the Cottonwood Springs Road and the Mecca Dale Road to Amboy; east along Highway 66 to the intersection with Highway 95; north along Highway 95 to the California-Nevada state line.

(2) November 16 through March 31 in the balance of the state.

(b) Bag and Possession Limit: No limit.

(c) Method of Take: When taking raccoon after dark, pistols and rifles not larger than .22 caliber rimfire and shotguns using shot no larger than No. BB are the only firearms which may be used during this night period. (This regulation supersedes Sections 4001 and 4002 of the Fish and Game Code.) (See Sections 264 and 264.5 for light regulations.)

(d) Dogs may be permitted to pursue raccoons in the course of breaking, training or practicing dogs in accordance with the provisions of Section 265 of these regulations.

Note: Authority cited: Sections 200, 202, 203 and 4009.5, Fish and Game Code. Reference: Sections 200-203.1, 206, 207, 211-222, 4000-4004 and 4009.5, Fish and Game Code.

472. General Provisions.

Except as otherwise provided in 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, 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, when American crows are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. Persons authorized by landowners or tenants to take American crows shall keep such written

authorization in their possession when taking, transporting or possessing American crows. American crows may be taken only on the lands where depredations are occurring or where they constitute a health hazard or nuisance. If required by Federal regulations, landowners or tenants shall obtain a Federal migratory bird depredation permit before taking any American crows or authorizing any other person to take them.

American crows may be taken under the provisions of this subsection only by firearm, bow and arrow, falconry or by toxicants by the Department of Food and Agriculture for the specific purpose of taking depredating crows. Toxicants can be used for taking crows only under the supervision of employees or officers of the Department of Food and Agriculture or federal or county pest control officers or employees acting in their official capacities and possessing a qualified applicator certificate issued pursuant to sections 14151-14155 of the Food and Agriculture Code. Such toxicants must be applied according to their label requirements developed pursuant to sections 6151-6301, Title 3, California Code of Regulations.

474. Hours for Taking.

Nongame mammals may be taken at any time except as provided in this section.

(a) Area Closed to Night Hunting. Nongame mammals may be taken only between one-half hour before sunrise and one-half hour after sunset in the following described area: Beginning at a point where Little Panoche Road crosses Interstate 5 near Mendota; south on Interstate 5 to Highway 198; east on Highway 198 to Highway 99; south on Highway 99 to Interstate 5; south on Interstate 5 to the Los Padres National Forest boundary in Section 8, T 9 N, R 19 W, S.B.B.M near Fort Tejon Historical Monument; west along the National Forest boundary to Cerro Noroeste Road; northwest on Cerro Noroeste Road to Highway 33-166; north on Highway 33-166 to the Soda Lake Road; northwest on the Soda Lake Road and on the Simmler Soda Lake San Diego Creek Road to Highway 58 at Simmler; west on Highway 58 to the Cammotti Shandon Road; north on the Cammotti Shandon Road to the Shandon San Juan Road; north on the Shandon San Juan Road to Highway 41; northeast on Highway 41 to the Cholame Valley Road; northwest on Cholame Valley Road and Cholame Road to the Parkfield Coalinga Road in Parkfield; north on Parkfield Coalinga Road and Parkfield Grade to Highway 198; northwest on Highway 198 to the Fresno-Monterey county line; north along the Fresno-Monterey county and Fresno-San Benito county lines to the Little Panoche Road; north and east on the Little Panoche Road to the point of beginning at Interstate 5.

This section does not pertain to the legal take of nongame mammals with traps as provided for by Sections 461-480 of these regulations, and by Sections 4000-4012, 4152 and 4180 of the Fish and Game Code. (This regulation supersedes Section 3000 of the Fish and Game Code.)

(b) On privately-owned property, not included in (a) above, nongame mammals may be taken from one-half hour after sunset to one-half hour before sunrise only by the landowner or his agents, or by persons who have in their immediate possession written permission issued by the landowner or tenant that states the permittee can trespass from one-half hour after sunset to one-half hour before sunrise on property under the ownership or control of such landowners or tenants.

(c) Fallow deer, axis deer, sambar deer, sika deer, aoudad, mouflon, tahr and feral goats may be taken only from one-half hour before sunrise to one-half hour after sunset.

475. Methods of Take for Nongame Birds and Nongame Mammals.

Nongame birds and nongame mammals may be taken in any manner except as follows:

(a) Poison may not be used.

(b) Recorded or electrically amplified bird or mammal calls or sounds or recorded or electrically amplified imitations of bird or mammal calls or sounds may not be used to take any nongame bird or nongame mammal except coyotes, bobcats, American crows and starlings.

(c) Fallow deer, sambar deer, axis deer, sika deer, aoudad, mouflon, tahr and feral goats may be taken only with the equipment and ammunition specified in Section 353 of these regulations.

(d) Traps may be used to take nongame birds and nongame mammal only in accordance with the provisions of Section 465.5 of these regulations and sections 3003.1 and 4004 of the Fish and Game Code.

(e) No feed, bait or other material capable of attracting a nongame mammal may be placed or used in conjunction with dogs for the purpose of taking any nongame mammals. Nothing in this section shall prohibit an individual operating in accordance with the provisions of Section 465.5 from using a dog to follow a trap drag and taking the nongame mammal caught in that trap.

(f) Methods of take within the California condor range. Except as otherwise provided, it is unlawful to use or possess projectiles containing more than one percent lead by weight while taking or attempting to take any nongame birds or nongame mammals in those areas described in Section 3004.5, Fish and Game Code.

(1) For purposes of Section 475, a "projectile" is defined as any bullet, ball, sabot, slug, buckshot, shot, pellet or other device which is expelled from a firearm through a barrel by force.

(2) Except as otherwise provided, it is unlawful to possess any projectile containing lead in excess of the amount permitted in subsection 475(f) and a firearm capable of firing the projectile while taking or attempting to take any nongame bird or nongame mammal within the area described in subsection 475(f). The possession of a projectile containing lead in excess of the amount allowed in subsection 475(f) without possessing a firearm capable of firing the projectile is not a violation of this section.

Note: Authority cited: Sections 200, 202, 203, 355, 3003.1, 3800 and 4150, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 355, 356, 2055, 3003.1, 3004.5, 3800 and 4150, Fish and Game Code.

478. Bobcat.

Except as provided in subsection (c) below no person shall pursue, take or possess any bobcat without first procuring a trapping license or a hunting license and bobcat hunting tags. The pursuit, take and/or possession of a bobcat under the authority of a hunting license and a bobcat hunting tag shall be in accordance with the provisions of this section and sections 472, 473, 474, 475, 478.1 and 479 of these regulations.

Bobcats taken under the authority of a trapping license shall be taken with traps or other means in accordance with this section and sections 465, 465.5 and 475. Bobcats taken under a trapping license must be tagged in accordance with the provisions of Section 479.

(a) Trapping Season and Area: Bobcat may only be taken under the authority of a trapping license as follows:

(1) Area: Statewide.

(2) Season: November 24 through January 31.

(b) Hunting Season and Area: Bobcats may only be taken under the authority of a hunting license and bobcat hunting tags as follows:

(1) Area: Statewide.

(2) Season: October 15 through February 28.

(c) Bag and Possession Limit:

(1) Bobcats taken under a hunting license and bobcat hunting tags: Five bobcats per season.

(2) Bobcats taken under a trapping license: No limit.

(d) This section shall not apply to bobcats trapped under the provisions of sections 4152 and 4180 of the Fish and Game Code (also see Section 480 of these regulations).

Note: Authority cited: Sections 200, 202, 203 and 4150, Fish and Game Code. Reference: Sections 3960 and 4150, Fish and Game Code.

478.1. Bobcat Hunting Tags.

(a) Any person who possesses a valid hunting license may, upon payment of the fee specified in Section 702, procure only five revocable, nontransferable bobcat hunting tags. Such tags shall be acquired through the department's Automated License Data System terminals at any department license agent or department license sales office. These tags do not act as shipping tags as required in Section 479 for pelts taken under a trapping license.

(b) Bobcat hunting tags are valid only during that portion of the current hunting license year in which bobcats may be legally harvested as provided in Section 478.

(c) The holder of a bobcat hunting tag shall carry the tag while hunting bobcats. Upon the harvesting of any bobcat, the hunter shall immediately fill out the tag completely, legibly, and permanently, and cut out or punch out and completely remove notches or punch holes for the month and date of the kill. One part of the tag shall be immediately attached to the pelt and kept attached until it is tanned, dried or mounted. The other part of the tag shall be sent immediately to the department.

(d) Possession of any untagged bobcat taken under the authority of the hunting license shall be a violation of this section except that the provisions of this section shall not apply to the owner or tenant of land devoted to the agricultural industry nor to authorized county, state or federal predatory animal control agents operating under a written trapping agreement with the appropriate landowner while on such land and in connection with such agricultural industry. It is unlawful for any person to sell, offer for sale, barter, trade, purchase, transport from this state, or

offer for out-of-state shipment by any common carrier any bobcat pelts, or parts thereof taken pursuant to this provision.

(e) Any person who is convicted of violating any provision of this chapter shall forfeit his bobcat hunting tags, and shall not apply for additional tags during the then current hunting license year.

Note: Authority cited: Sections 713 and 4150, Fish and Game Code. Reference: Sections 713 and 4150, Fish and Game Code.

480. Bobcat Depredation.

Any person taking a depredating bobcat pursuant to the provisions of Fish and Game Code Section 3003.1 and Section 465.5 of these regulations, shall notify the department within thirty days from the date any bobcat is taken.

Note: Authority cited: Sections 3003.1 and 4150, Fish and Game Code. Reference: Sections 3003.1 and 4150, Fish and Game Code.