

ATTACHMENT 1. SUMMARY OF PUBLIC COMMENTS AND RESPONSES

Amend Division 1, Subdivision 2 and Section 478, Bobcat and Repeal Section 479, Bobcat Pelts Title 14, California Code of Regulations Re: Implementation of the Bobcat Protection Act of 2013 Fish and Game Code Section 4155

As set forth below, the California Fish and Game Commission (Commission) fully complied with the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) in developing the proposed regulations to implement the Bobcat Protection Act of 2013 (the Act).

The Commission held various outreach, discussion, and informational updates, at regular meetings throughout California. A large number and diverse group of individuals, including trappers, hunters, and various environmental and animal protection groups contributed recommendations by email, letter, or orally, regarding the Act's implementation. On behalf of the Commission, the Department of Fish and Wildlife (Department), thoroughly researched the relevant facts known to its programs, including the Law Enforcement Division (LED), the Wildlife Branch (WLB), the License and Revenue Branch (LRB), the Automated License Data System (ALDS), and the Office of the General Counsel (OGC).

The Commission published the proposed regulations, Options 1 and 2, in the California Regulatory Notice Register on May 29, 2015 (Cal. Reg. Notice Register 2015, No. 22-Z, pp. 876-878). This publication began the required minimum 45 day public comment period which extended through the August 5, 2015 public hearing and adoption. The Commission received verbal comments during both the June 11, 2015 and August 5, 2015 public meetings.

The Commission received more than 15,000 public comments. A substantial majority was in the form of emails, some with attached letters or petitions, and many of the comments raised were not unique. As a result, the attached tables identify the specific comments made by reference to the following list of comments and responses. Table 1 lists more than 15,000 individual comments received by e-mail or hard (paper) copy. Table 2 contains the verbal comments received during the June 11, 2015, discussion hearing. Table 3 contains the verbal comments received during the August 5, 2015, adoption hearing.

Public Comments with corresponding Commission Responses

1. Supports Option 2, a statewide ban on bobcat trapping.

Consistent with this comment, the Commission adopted Option 2 and rejected Option 1 during the August 5, 2015 public hearing.

2. Opposes both proposed Options.

The Commission acknowledges those commenters who felt that both options were flawed. Many individuals suggested that it was premature to adopt either Option 1 or Option 2 without first conducting the statewide assessment of bobcat populations mentioned in the Governor's signing message. However, no funding for that assessment was provided by the legislature and the statute specifically requires the Commission to amend its regulations for bobcat trapping at the "next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014." Given that requirement, the Commission believes Option 1 and Option 2 were reasonable alternatives to implement the statute.

3. Asserts that Option 1 failed to include at least 20 additional properties that are statutorily protected under AB 1213, including 9 state game refuges and 11 state park properties.

During the August 5, 2015 public hearing, the Commission adopted Option 2 and rejected Option 1, which makes this comment inapplicable to the regulation adopted by the Commission. However, the Commission disagrees with this comment because subdivision (b) of Fish and Game Code (FGC) section 4155 only requires additional prohibitions regarding bobcat trapping adjacent to the boundaries of "each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited." This provision does not apply to state game refuges, which are designated in the Fish and Game Code, because they are not national wildlife refuges. Similarly, "state park" is one of several possible designations of lands within the state park system. The statutory reference to state parks does not encompass all lands owned or managed by the Department of Parks and Recreation, but only properties designated pursuant to the Public Resources Code as state parks.

4. The Commission should designate a no-trapping zone in and around the Mojave National Preserve, the Tule Elk State Natural Reserve, the Mono Lake State Tufa Reserve, and other areas.

Consistent with this comment, the Commission adopted a statewide ban on bobcat trapping during the public hearing on August 5, 2015. National Preserves are not among the public properties identified by FGC 4155 for protection in 2015.

5. The process for adding more properties to the prohibited list is unclear.

During the August 5, 2015 public hearing, the Commission eliminated bobcat trapping in California by adopting Option 2 and rejecting Option 1. Since implementation of the Commission's action will result in the entire state becoming a prohibited area, there will be no future process for adding additional properties to the prohibition. Subdivision (b)(2) provides, "Commencing January 1, 2016, the commission shall consider whether to prohibit bobcat trapping" in additional "areas identified to the commission by the public as warranting protection. The commission, as necessary, shall amend its regulations through its next subsequently scheduled mammal hunting and trapping rulemaking process to prohibit bobcat trapping in any area determined by the commission to warrant protection." If it had not chosen to adopt a statewide ban, the

Commission would have considered additional public recommendations to further restrict bobcat trapping through the public rulemaking process pursuant to Government Code section 11340.6 and CCR, Title 14 section 662.

6. Trapping is economically unjustifiable, and the ISOR's economic impact assessment of Option 1 grossly underestimates the costs of implementation making reliance on this cost estimate unlawful.

The Commission relied on the Department's estimate of costs to implement the existing bobcat trapping program as well as the costs of implementing Options 1 and 2. As part of this effort, the Department projected costs in three categories: start-up costs, enforcement costs and wildlife management costs associated with each option. Start-up costs included the cost of the rulemaking action and other one-time costs such as developing and testing the proposed bobcat validation in the ALDS. Enforcement costs for the existing bobcat trapping program were derived from personnel and mileage logs. LED personnel log time spent on different tasks with activity codes that permit the itemization of program costs. All personnel and vehicle costs estimates were cross-checked and internally reviewed for accuracy. Wildlife management costs were estimated based on the staff time currently spent monitoring bobcat take and preparing the annual Bobcat Harvest Assessment. Costs associated with the preparation of a bobcat management plan were also estimated for Option 1 and Option 2. While there is inherent uncertainty in projecting future program costs, the Commission believes these estimates are based on the best information available to the Department. The Commission expresses no opinion regarding the economic justification for trapping, but notes that it has ended continued commercial trapping in California by adopting Option 2.

7. Regulatory costs shouldn't have been apportioned between the two options, and failed to include the regulatory costs that will be incurred in 2016 pursuant to FGC section 4155(b)(2). It also fails to take into account regulatory costs incurred by the Commission, as contrasted from DFW costs. The Commission should explain why previous regulatory cost estimates of DFW were much higher than the current estimate of regulatory costs for Option 1.

It is reasonable to apportion the rulemaking cost of the two options because they are part of the same regulatory action. The costs of regulation development under the APA were allocated with 75 percent to Option 1 due to the increased complexity of identifying zones compliant with the statute, and 25 percent to Option 2, which is substantially less complicated. Both Commission and Department costs are included in the regulation development cost estimates. The Department's previous legislative analysis produced different cost estimates because it was based on the delineation of bobcat closure zones around 186 individual park and refuge properties, a far more complicated project than the proposed regulatory action.

8. DFW grossly underestimates the cost of enforcing Option 1, and its reasoning is illogical and inconsistent with previous statements. Option 2 will require \$0

routine patrol costs, and policing illegal bobcat trapping would be absorbed into the general duties of patrol officers across the state.

During the August 5, 2015 public hearing, the Commission adopted Option 2 and rejected Option 1, which makes the Department's cost estimate for enforcing Option 1 inapplicable to the regulation adopted by the Commission. On behalf of the Commission, the Department made a good-faith estimate of the costs of enforcing both options based upon expected use of personnel time by classification as well as vehicle and material costs. The Commission acknowledges that future enforcement costs are difficult to estimate and necessarily will depend upon the nature of violations, violation rates, and enforcement priorities determined by the Department. The Department will incur ongoing costs of enforcing the statewide ban on bobcat trapping. The Commission notes that if it had adopted Option 1, the Department and Commission would have monitored enforcement costs and cost recovery so fees could be adjusted as appropriate to ensure full recovery of implementation costs.

9. The ISOR's economic cost estimate of Option 1 fails to include the approximately \$200,000 cost of preparing an environment document under the California Environmental Quality Act (CEQA).

During the August 5, 2015 public hearing, the Commission adopted Option 2 and rejected Option 1, which makes this comment inapplicable to the regulation adopted by the Commission. The Commission acknowledges that adoption of either option constitutes a discretionary approval of a project pursuant to CEQA. The Commission determined, at a cost substantially less than \$200,000, that adoption of regulations through either Option 1 or Option 2 is an activity that is the proper subject of CEQA's Class 7 and 8 categorical exemptions.

10. Under Option 1, the cost estimate for the proposed Bobcat Trapping Validation fee and shipping tag fees (CITES) will fail to recover the full costs of implementation, overstates the number of trappers, and will cause the Commission to increase fees in subsequent years. Option 1 is unlikely to be properly implemented due to insufficient financial resources and will subject the Commission to legal challenge. Sound fiscal policy and legal grounds support adoption of Option 2.

During the August 5, 2015 public hearing, the Commission adopted Option 2 and rejected Option 1, which makes these assertions (that the proposed fees were inadequate) inapplicable to the regulation adopted by the Commission. On the Commission's behalf, the Department provided a careful accounting of personnel time and expense for all bobcat program activities including CITES compliance. The use of CITES shipping tags merely complies with Federal regulations identifying legally obtained pelts for export. The fee increase for tags and the proposed Bobcat Trapping Validation fee represented a significant increase in regulatory costs to be recouped from bobcat trappers as provided under §1050 and §4155, FGC. The impact of this fee increase on participation by trappers is unknown. However, the Department recommended to the Commission fees at levels which assumed that there would be a

20 percent decrease in the number of bobcat trappers purchasing licenses and shipping tags. It was further recommended that the Department monitor participation by trappers, trapping take, enforcement costs, and trapping revenues for a minimum of two years and revisit the fee structure if revenues were insufficient to recover costs. However, since Option 2, a statewide ban, was adopted there is no longer a need to estimate the cost of a bobcat trapping program.

11. Option 1 is a de facto ban on bobcat trapping because it will dramatically increase costs and prohibit trapping in large areas where bobcats have been traditionally taken. Why should bobcat trappers pay excessive fees, that go beyond what is necessary to recover state costs, when other user groups don't have to?

During the August 5, 2015 public hearing, the Commission eliminated the bobcat trapping program by adopting Option 2 and rejecting Option 1. In accordance with the statute, the Department provided the Commission with cost estimates for the current bobcat trapping program as well as projected costs under Option 1 and Option 2. Although the fees required to recover the costs of the bobcat trapping program under Option 1 represented a substantial increase over current levels, the cost to the individual trapper could be recouped through the legal sale of pelts. The degree to which the proposed fees make bobcat trapping economically impractical would have been dependent on the number of animals taken by an individual trapper and the average price of bobcat pelts at auction. The Commission notes that the Legislature, and not the Commission or Department, chose to require recovery of bobcat trapping program implementation costs. Specifically, subdivision (e) of Fish and Game Code section 4155 requires recovery of "all reasonable administrative and implementation costs of the department and the commission associated with the trapping of bobcats in the state, including, but not limited to, enforcement costs." The proposed increased shipping tag fees and new bobcat trapping validation fee were proposed to implement this new requirement. The Department recommended the Commission adopt the closure zones in Option 1 based on records of bobcat trapping success over the last 10 years in an effort to retain trapping opportunity in the most productive areas. However, because of the statutory requirement to delineate closure boundaries using readily identifiable features such as highways and major roads, the Commission acknowledges that some areas where bobcats have been traditionally taken would have been closed under Option 1. Since fees to recover the costs of implementing a bobcat trapping program were only included in Option 1, this comment is inapplicable to the regulation adopted by the Commission.

12. There is no reason to differentiate between the level of investigative work required under Option 1 and Option 2.

On behalf of the Commission, the Department made a good-faith estimate of the costs of enforcing both options based upon expected use of personnel time by classification as well as vehicle and material costs. The Commission acknowledges that future enforcement costs are difficult to estimate and necessarily will be affected by the nature

of violations, violation rates, and enforcement priorities determined by the Department. The Commission disagrees that there was no reason to differentiate between levels of investigative work required by the two options. If the Commission had adopted Option 1 and thereby allowed a bobcat trapping program to continue, subdivision (e) requires recovery of all reasonable implementation costs of the Department, including costs of enforcement. According to LED, enforcement of the partial ban would have been qualitatively different from efforts to enforce the statewide ban on bobcat trapping. With a statewide ban, the Division anticipates increased illicit use of leg hold traps, and this activity may be difficult to detect.

13. The Commission should not adopt Option 1 in reliance upon Department's assertions about the challenges of enforcing illicit trapping under a statewide ban. A statewide ban could be enforced similarly to every other provision in the FGC.

During the August 5, 2015 public hearing, the Commission adopted Option 2 and rejected Option 1, which makes this comment inapplicable to the regulation adopted by the Commission. The difficulty of enforcing illicit trapping under Option 2 was one of many factors considered by the Department in making its recommendation. The Commission disagrees with the assertion that this was unlawful or otherwise improper and notes that the Department's recommendation was based largely upon its assessment of harvest data and its conclusion that the level of take associated with bobcat trapping in California is insignificant relative to natural production and mortality in the species. Future enforcement actions are difficult to characterize and necessarily will depend upon the nature of violations, violation rates, and enforcement priorities determined by the Department. The Commission agrees there will be some similarities to enforcement of other provisions of the Fish and Game Code. However, for purposes of aiding the Commission's decision-making process, it was appropriate for the Department to describe its expectations regarding future enforcement under both options. According to LED, enforcement of the trapping program under Option 1 would have been qualitatively different from efforts to enforce the statewide ban on bobcat trapping. With a statewide ban, LED anticipates increased illicit use of leg hold traps, and this activity may be difficult to detect.

14. Option 1 is not based upon credible science, and the cost estimate for Option 1 implementation fails to include costs related to developing and implementing a bobcat population study, as proposed in the Governor's signing message and required by the Fish and Game Code.

The Department utilized the best available information from the most expert persons in their respective positions. The estimated costs included a Bobcat Management Plan; however, population estimates include a wide range of study not limited to trapping activities. A bobcat population survey was proposed to be pursued if additional funding was secured from the Legislature as indicated by The Governor's message. However, since Option 2, a statewide ban, was adopted there is no need for estimating the cost of a population study, and the Fish and Game Code does not require that a bobcat population study be implemented.

15. The failure to include bag limits on bobcat trapping violates the Fish and Game Code, and if Option 1 is adopted it must include take limits based upon population studies.

During the August 5, 2015 public hearing, the Commission adopted Option 2 and rejected Option 1, which makes this comment inapplicable to the regulation adopted by the Commission. However, the Commission disagrees with the assertion that the Fish and Game Code would have required bag limits if Option 1 had been adopted. Bag limits are one of several management options available to the Commission, and nothing in the Fish and Game Code, including sections 703.3 and 4155, mandates use of bag limits to manage bobcat populations.

16. DFW's reasons for recommending Option 1 are unsupported by science or good policy, and its recommendation violates the FGC.

During the August 5, 2015 public hearing, the Commission adopted Option 2 and rejected Option 1, which makes this comment inapplicable to the regulation adopted by the Commission. The Department proposed options to implement the legislative mandate to prohibit bobcat trapping adjacent to properties specified in Fish and Game Code section 4155. The Department's preference for Option 1 was based largely upon its assessment of harvest data and its conclusion that the level of take associated with bobcat trapping in California is insignificant relative to natural production and mortality in the species. Although the Commission chose to adopt Option 2, it disagrees that the Department's recommendation violated the Fish and Game Code.

17. Trapping contributes to the economy, and both options discriminate against trappers based solely on their method of take, trapping does not adversely affect the size of bobcat populations in California.

The Commission notes that the Legislature, and not the Commission or Department, mandated additional regulation of bobcat trapping by enacting the Act, and the Commission does not dispute that there are economic benefits of trapping. Both options were proposed in an effort to comply with the Act. There are many factors that affect bobcat population levels, and the full effects of commercial trapping are unknown. The precise size of bobcat populations is also unknown. Hunting, depredation, trapping records, and other data which are available do not indicate that bobcat populations have been adversely impacted by trapping.

18. Both options lack a scientific basis, but appear to be founded on social and political factors. Make your decision based on the science.

The Commission notes that the Legislature, and not the Commission or Department, mandated additional regulation of bobcat trapping by enacting the Act. Both options were proposed in an effort to comply with this recent legislation. The Commission acknowledges that the Legislature has broad discretion to act based upon social and political factors.

19. Failure to conduct an environmental analysis of the bobcat trapping program under Option 1 violates CEQA.

During the August 5, 2015 public hearing, the Commission adopted Option 2 and rejected Option 1, which eliminates any bobcat trapping program and makes this comment inapplicable to the regulation adopted by the Commission. The Commission acknowledges that adoption of either option is a discretionary approval of a project pursuant to CEQA. Option 1 would have reduced the area of bobcat trapping opportunity to approximately 40% of the state. Option 2 eliminates bobcat trapping statewide. The Commission determined that adoption of either Option 1 or Option 2 is an activity that is the proper subject of CEQA's Class 7 and 8 categorical exemptions. Further environmental analysis pursuant to CEQA is not required.

20. Trapping leads to environmental or ecosystem degradation and loss of habitat for bobcat

The Department is not aware of any information to suggest that trapping leads to environmental or ecosystem degradation or loss of habitat for bobcat. Department records indicate that bobcats still occur in all suitable habitat types in California, similar to when mandatory harvest reporting for trappers began in 1952.

21. The Commission should have held meetings or workshops in areas such as Redding and Bishop in order to facilitate greater participation of trappers in this rulemaking.

The Commission held outreach, discussion, and informational updates, at regular meetings throughout California. A large number of individuals, trappers, hunters, and various environmental and animal protection groups contributed recommendations by email, letter, or orally, regarding the Act's implementation.

The Commission does not have resources to travel to each and every affected part of the state, and its meeting schedule is determined each December. The Commission received comments from interested parties regarding bobcat trapping regulations at the Wildlife Resources Committee (WRC) meetings in Sacramento in July and September of 2014. The recommendations of the WRC and Department staff were further discussed at the Commission meetings on October 8, 2014, in Mount Shasta; in Sacramento on December 3, 2014, and, February 12, 2015; and in Santa Rosa on April 9, 2015. The notice of proposed changes was published on May 29, 2015, made available on the Commission's website, distributed to interested and affected parties, and discussed at Commission meetings on June 11, 2015 in Mammoth Lakes, and on August 5 in Fortuna. Bobcat trappers and trapping organizations participated in discussion at each of these meetings.

22. Traps are-cruel and abhorrent, and they are indiscriminate as to species, killing other animals.

During the August 5, 2015 public hearing, the Commission adopted Option 2 and rejected Option 1, which eliminates any bobcat trapping program in California. Many commenters opposed to trapping seemed to be unaware that use of leg hold traps is already prohibited by Fish and Game Code section 4004. Box traps, checked daily, are the only legal means of trapping for bobcat, and these traps do not kill or injure the animal within the trap. Animals that are not released are required to be dispatched as humanely as possible. The Department does not maintain records describing other animals trapped or killed unintentionally. Any other species which are not allowed to be trapped, or may not be trapped because they are out of season, or for other reasons, can and should be released unharmed. All other types of traps (leg hold, etc.) are illegal. The Commission acknowledges the concern of many commenters that animals trapped in box traps experience discomfort caused by a lack of access to water or other factors.

23. Bobcat trappers trespass on private property, violate laws, or engage in other negative behavior.

During the August 5, 2015 public hearing, the Commission eliminated bobcat trapping in California by adopting Option 2 and rejecting Option 1. Trespassing for purposes of trapping was already illegal pursuant to Fish and Game Code sections 2016 and 4155. Subdivision (d) of section 4155 provides that “it shall be unlawful to trap any bobcat, or attempt to do so, on any private land not belonging to the trapper without the express written consent of the owner of that property.” Violations of these provisions are punishable as misdemeanors, and the Commission expects wildlife officers to continue to enforce violations of law.

24. Recreation, rather than profit, is the major motivating factor for those who trap bobcats, and modern box traps are humane.

Records of Bobcat Pelt Shipping Tags sold by the Department indicate that most of the pelts taken in recent years were tagged by the trapper with a CITES tag for export in accordance with Section 479, Title 14, CCR. Although the Department does not follow the actual sale of any one pelt, tagging is understood to mean that the pelt will be sold out of state or internationally. If the pelt is to be kept for personal use (recreational) by the trapper current regulations require that it be “marked”, at no cost, by the Department. The Department’s records do not support the argument that personal use of pelts is a major motivating factor for those who trap bobcats, but whether trapper motivation is primarily recreational versus commercial has little bearing on the Commission’s duty to implement the Act. Several commenters opposed to trapping seemed to be unaware that use of leg hold traps is already prohibited by Fish and Game Code section 4004. Box traps, checked daily, are the only legal means of trapping for bobcat, and these traps do not kill or injure the animal within the trap.

25. Asserts that implementation of the Act should be based upon its language rather than interpretations of the legislative intent; that closed areas could be established within a reasonable specified distance from the properties; or, that

the statute only requires the regulatory process to begin in 2015, but the law doesn't specify any completion date.

The Commission agrees that regulations should be based upon statutory language, but notes that interpretation of statutory language is a legitimate purpose of rulemaking pursuant to the Government Code. During the August 5, 2015 public hearing, the Commission eliminated the bobcat trapping program by adopting Option 2 and rejecting Option 1. Since no closure boundaries are necessary under a statewide ban, the suggestion to set boundaries based upon distances from closed properties is inapplicable to the regulation adopted by the Commission. As explained in the initial statement of reasons, "GPS technology is highly effective and in wide use by the public in many applications. With proper equipment trappers may determine their location with adequate precision in a matter of seconds. Trappers have recommended this method as an effective alternative in establishing a closure boundary surrounding each protected area. The Department has determined that using GPS technology to define closure boundaries is inconsistent with the requirement of the statute to use 'readily identifiable features, such as highways or other major roads.' Therefore, the Department does not recommend this as an alternative for further consideration." Subdivision (b)(3) of Fish and Game Code section 4155 requires the Commission to "delineate the boundaries" of closed areas "using readily identifiable features, such as highways or other major roads, such as those delineated for Joshua Tree National Park in subdivision (a)." The Department and Commission concluded that "readily identifiable features" means features that can be seen in the landscape. This is consistent with the notion that the Legislature wanted closure areas to be readily determined by bobcat trappers and enforcement staff. Other options may have required use of technological devices or specialized knowledge regarding property boundaries in order to determine where bobcat trapping could occur and to prove violations. The closure established for Joshua Tree National Park in subdivision (a) is delineated exclusively by highways, but the Department included other readily identifiable features of the landscape, such as rivers and streams, in the regulatory language proposed under Option 1. While some commenters assert that the Act doesn't require completion of the regulatory process this year, subdivision (b)(1) of Fish and Game Code section 4155 requires that during its "next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014, the commission shall amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries" of specified properties. The Commission declines to interpret this provision as allowing for an open-ended rulemaking effort taking several years.

26. The proposed regulations are premature and set a bad precedent given the lack of the bobcat study proposed in the Governor's signing message for AB 1213.

The Commission disagrees with the assertion that adoption of regulations to implement the Act is premature. Regarding the timing of the adoption of regulations, subdivision (b)(1) of Fish and Game Code section 4155 requires that during its "next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014, the commission shall amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries" of specified national and state properties. By adopting

Option 2 in this rulemaking, the Commission has complied with this statutory mandate. In the signing message for the Act, the Governor requested “the Legislature to work with my Department to secure funding to survey our bobcat population.” The message also suggested that, based upon such a survey, the Department and Commission “should consider setting population thresholds and bobcat trapping tag limitations in its upcoming rulemaking.” The Commission notes that the Legislature did not fund a bobcat population survey, but even if it had funded a survey, the results likely would not have been available in time to inform the statutorily mandated action of the Commission during the “next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014.” The purpose of this rulemaking is to implement the requirements of the Act, and it is not intended to be a precedent for other natural resource management decisions.

27. AB 1213 allows for use of other options rather than just major roads to delineate closure boundaries, and use of GPS waypoints or a specified distance around closed properties would be a better approach and is more consistent with the Commission’s prior actions in creating MPAs.

During the August 5, 2015 public hearing, the Commission eliminated the bobcat trapping program by adopting Option 2 and rejecting Option 1. Since closure boundaries were only included in Option 1, this comment is inapplicable to the regulation adopted by the Commission. The Commission disagrees with the assertion that the Act would have allowed closure areas to be designated based upon specified distances around closed properties or by using coordinates based upon longitude and latitude. Subdivision (b)(3) of Fish and Game Code section 4155 requires the Commission to “delineate the boundaries” of closed areas “using readily identifiable features, such as highways or other major roads, such as those delineated for Joshua Tree National Park in subdivision (a).” The Department and Commission concluded that “readily identifiable features” means features that can be seen in the landscape. This is consistent with the notion that the Legislature wanted closure areas to be readily identifiable by bobcat trappers and enforcement staff. Other options may have required use of technological devices or specialized knowledge regarding property boundaries in order to determine where bobcat trapping could occur and to prove violations. The closure established for Joshua Tree National Park in subdivision (a) is delineated exclusively by highways, but the Department included other readily identifiable features of the landscape, such as rivers and streams, in the regulatory language proposed under Option 1. However, the Commission does not dispute that there are other potentially preferable options to delineate boundaries than major roads or highways, and it used a different approach to delineate the boundaries of marine protected areas.

28. The Assembly Water, Parks and Wildlife Committee rejected a statewide ban based upon a lack of scientific support, no broad-based public support, and no compelling reason to prohibit bobcat trapping.

The Commission acknowledges that the Assembly Water, Parks and Wildlife Committee and the Legislature did not mandate a statewide ban on bobcat trapping. The Commission notes, however, that the Legislature was careful to preserve the

Commission's authority to prohibit bobcat trapping by including subdivision (f) in Fish and Game Code section 4155. This subdivision provides, "This section does not limit the ability of the department or commission to impose additional requirements, restrictions, or prohibitions related to the taking of bobcats, **including a complete prohibition on the trapping of bobcats pursuant to this code.**" (Emphasis added.)

29. Opposes Option 2 because bobcats are not endangered, and they need to be managed. Without management, bobcat numbers will increase, and they will unduly prey on other wildlife, livestock, and other animals.

The Commission acknowledges that bobcats are not endangered, and notes that the Department expressed the view that current harvest levels are sustainable based upon the limited data available. There are many factors that affect bobcat population levels, and the full effects of eliminating commercial bobcat trapping are unknown. Pursuant to both the proposed regulatory text (subdivision (a) of section 478) and subdivision (c) of FGC section 4155, trapping of bobcats for depredation purposes is beyond the scope of the proposed regulations. Ranchers and farmers will continue to be able to protect their property from depredation, including the use of traps to take bobcats. Similarly, the Act preserves the authority of Department employees to take bobcats in their official capacity and for take in accordance with permits issued pursuant to FGC section 1002. (See subdivision (c) of FGC section 4155.)

30. Killing for profit is unethical, and there are better ways for a small number of individuals to make a living than participating in the international fur trade. Rather than sending bobcat pelts to Russia and Asia, the Commission should recognize that bobcats belong to us all.

Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated commercial bobcat trapping in California by adopting Option 2 and rejecting Option 1. The Commission acknowledges that the primary market for bobcat pelts is Russia and China. However, regulating international trade is outside the Commission's authority and beyond the scope of the proposed rulemaking.

31. The Lacey Act prohibits the export of bobcat pelts, but Option 1 would allow shipping to occur.

Under the Lacey Act, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife or plants that are taken, possessed, transported, or sold: 1) in violation of U.S. or Indian law, or 2) in interstate or foreign commerce involving any fish, wildlife, or plants *taken possessed or sold in violation of State or foreign law*. The law covers all fish and wildlife and their parts or products, plants protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora ([CITES](#)) and those protected by State law. Under current CA law (§479, Title 14, CCR) trappers are clearly permitted to export bobcat pelts after purchasing a CITES shipping tag from the Department. Option 1 would not have changed this provision of the law. The Commission rejected Option 1 and adopted Option 2, a statewide ban of bobcat trapping, and further amended Section 479 eliminating pelt tags, fees, and department marks for bobcats taken by trapping.

Since bobcat trapping is now prohibited, there is no reason for the Department to continue to offer tags or marks, or to collect fees for CITES shipping tags.

32. The Commission should stop wasting tax money on commercial bobcat trapping and end all taxpayer support of trappers by prohibiting bobcat trapping.

Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated bobcat trapping in California by adopting Option 2 and rejecting Option 1.

33. Provide more resources for enforcement of wildlife violations, and create an incentive for the public to report poaching and illegal trapping activity.

Although this comment is beyond the scope of the proposed regulations to implement the Act, the Commission agrees that more resources are needed for enforcement. The Commission encourages members of the public to report wildlife violations through the CalTIP (Californians Turn In Poachers) program. Any person who is a witness to poaching, polluting, or any fish and wildlife violation, or has information about such violations, is encouraged to immediately dial the toll free CalTIP number **1-888 334-CALTIP (888 334-2258)**, 24 hours a day, seven days a week. Callers are eligible for cash rewards if their information leads to a citation or arrest.

34. Bobcats enrich our lives, they are essential components of our environment and healthy ecosystems, they don't need our management, and they should be allowed to live and thrive as part of North America's native heritage.

The Commission acknowledges these wildlife values and the importance of healthy ecosystems and the environment. The Commission's mission is to ensure the long term sustainability of California's fish and wildlife resources. Consistent with this comment, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 during the August 5, 2015 public hearing.

35. California is a leader in environmental issues and should continue to be at the forefront of wildlife management by leading other states into the 21st century by banning the trapping of bobcats statewide.

Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 and rejecting Option 1.

36. Killing and trapping of animals diminishes us as humans and leads to the extinction of wildlife, and trapping should be stopped before none are left for the future.

During the August 5, 2015 public hearing, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 and rejecting Option 1. However, harvest data suggests that the level of take associated with bobcat trapping in California is insignificant relative to natural production and mortality in the species.

Regulation of trapping of species other than bobcat is beyond the scope of this rulemaking.

37. Bobcats control pests such as ground squirrels, rabbits, rats, and other rodents, and they are a better option than using poisons for pest control.

The Commission acknowledges that, as predators, bobcats are opportunistic hunters that prey on mammals such as rats and other wildlife. The objective of this rulemaking is to implement the requirements of the Act, which requires that during its “next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014, the commission shall amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries” of specified national and state properties. (See subdivision (b)(1) of Fish and Game Code section 4155.) Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 and rejecting Option 1.

38. All trapping should be banned in California, and the Commission should ban bobcat hunting.

Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 and rejecting Option 1. Although many commenters suggested that trapping for all species of wildlife should be banned, regulation of other species is beyond the scope of this rulemaking. Similarly, prohibiting bobcat hunting is beyond the scope of this regulatory action. The objective of this rulemaking is to implement the requirements of the Act, which requires that during its “next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014, the commission shall amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries” of specified national and state properties. (See subdivision (b)(1) of Fish and Game Code section 4155.)

39. People come from all over the country and the rest of the world to see bobcats and other wildlife in California, and the animals are worth more alive than dead.

Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 and rejecting Option 1. The Commission recognizes the economic contribution of non-consumptive activities such as wildlife viewing and nature photography. However, the opportunity for most people to view bobcats in the wild is limited since bobcats are secretive animals and generally active between dusk and dawn,

40. Bobcats are not a threat to public safety, or to property such as livestock if care is taken to keep predators out rather than trapping or shooting them.

Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 and rejecting Option 1. However, neither the Act nor this regulatory

proposal prohibits the take of bobcat for depredation or public safety purposes. Pursuant to both the proposed regulatory text (subdivision (a) of section 478) and subdivision (c) of FGC section 4155, trapping of bobcats for depredation purposes is not prohibited. Ranchers and farmers will continue to be able to protect their property from depredation, including the use of traps to take bobcats. Similarly, the Act preserves the authority of Department employees to take bobcats in their official capacity and for take in accordance with permits issued pursuant to FGC section 1002. (See subdivision (c) of FGC section 4155.)

41. A partial ban would concentrate trapping in smaller areas and lead to declines in bobcat populations.

Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 and rejecting Option 1. However, hunting, depredation, trapping records, and other data which are available do not indicate that bobcat populations have been adversely impacted by trapping.

42. Bobcats, and other wildlife, are also subjected to other pressures such as poaching, rodenticides, urban sprawl, drought, climate change, loss of habitat, and pressure from people recreating in the state's open spaces.

Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 and rejecting Option 1. The Commission acknowledges that factors other than trapping affect bobcats and other wildlife.

43. There are laws against this way of ending the lives of farm animals, why aren't there similar protections for wild animals?

Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 and rejecting Option 1. Several commenters opposed to trapping seemed to be unaware that use of leg hold traps is already prohibited by Fish and Game Code section 4004. Box traps, checked daily, are the only legal means of trapping for bobcat, and these traps do not kill or injure the animal within the trap. Animals that are not released are required to be dispatched as humanely as possible.

44. Asserts that predators such as bobcats are not the reason for sage grouse decline.

Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 and rejecting Option 1. The Department conducts annual grouse lek counts in cooperation with federal agencies and watches the sage grouse population closely. Habitat loss due to drought conditions and wildfires are primarily responsible for recent declines of certain species, including sage grouse.

45. Asserts that continued trapping is inconsistent with the policies and objectives set forth in FGC sections 1800-1802.

Consistent with this comment, during the August 5, 2015 public hearing, the Commission eliminated commercial or recreational bobcat trapping in California by adopting Option 2 and rejecting Option 1. However, the Commission disagrees with a selective reading of these provisions and the assertion that trapping is inconsistent with these sections. FGC section 1801 encourages the preservation, conservation, and management of wildlife resources for several different objectives including “diversified recreational uses of wildlife, including the sport of hunting” and a “recognition that wildlife is a renewable resource of the land by which economic return can accrue to the citizens of the state... through regulated management.”

46. Fines and penalties for poaching should be increased.

This comment is beyond the scope of the proposed regulations, which are intended to implement the Act, but the Commission agrees that allowable fines and penalties for wildlife violations should be increased by the legislature.

47. A trapping ban will result in loss of species specific knowledge of trappers, and without the opportunity to practice, effective trappers won't be available when they are needed for depredation trapping.

The Commission acknowledges the value of effective trappers for depredation purposes, and their knowledge of wildlife, but notes that this regulation would only end the commercial trapping of bobcats. Other trapping is still allowed, and the Commission expects effective trappers will be available for depredation purposes even in the absence of a commercial bobcat trapping program.

48. Hunting, fishing, and trapping are important parts of our cultural heritage, they are healthy recreational activities, and they should be allowed to continue.

The Commission agrees that hunting, fishing, and trapping are important parts of our culture, provide opportunities for healthy recreation, and they are also important management tools. The objective of this rulemaking is to implement the requirements of the Act, which requires that during its “next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014, the commission shall amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries” of specified national and state properties. (See subdivision (b)(1) of Fish and Game Code section 4155.) California's hunters and sport anglers have assisted in the management and wise use of fish and wildlife resources since before the inception of the Commission in 1870. Sporting men and women of California have historically provided the major portion of the Department's financial base through payment of license fees and taxes on hunting and fishing equipment and by direct donations. Dollars from licenses and fees paid by hunters and anglers have played a major role in the management, protection and preservation of fish and wildlife that are enjoyed by all Californians, including

campers, hikers, bird watchers, photographers and other members of the public. The Commission agrees that these activities should be allowed to continue.

49. A trapping ban will result in increased poaching, and it will be very difficult to detect or enforce because poachers won't be using box traps.

The Commission acknowledges that poaching does occur, and it is possible that bobcat poaching could increase following a commercial trapping ban. This comment is consistent with testimony presented at the April 2015 Commission meeting in Santa Rosa by the Department's Law Enforcement Division. While it is difficult to project just how much poaching will occur in any given year, the Commission has confidence in the ability of the Department's wildlife officers to respond appropriately. The Commission acknowledges that unlawful trapping will be difficult to detect since leg hold traps are easily concealed and much more difficult to locate than cage traps. The Commission welcomes additional suggestions about how this problem should be addressed or additional scientific information regarding bobcats in California. However, the Commission is required to implement the Act, and it did not find that there is sufficient scientific support justifying a commercial bobcat trapping program at this time.

50. The Department did not survey trappers to determine what financial impacts the regulations would have on them. Where did the Department obtain its economic impact information and why weren't they more diligent in gathering information from the trappers themselves?

The Commission and the Wildlife Resources Committee discussed the proposed regulations at public meetings in Mt. Shasta, Santa Rosa, Sacramento, Mammoth Lakes and Fortuna. A large volume of input from individuals, trappers, hunters, and various environmental and animal protection groups was received by email, letter, or orally, regarding the Act's implementation. The Administrative Procedure Act requires agencies to assess the broader economic impact on the State as well as the cost impacts for a representative private person or business. In terms of the overall impact on the state's economy, the regulations will have minimal effects due to the limited size of the trapping sector, the low number of participants, and relatively short annual trapping season. The Commission acknowledges that both proposed options will have financial impacts on individual trappers. However, given the statutory requirement to fully recover all reasonable administrative and implementation costs associated with the bobcat trapping program, the Department sought to balance proposed fee increases for the bobcat validation and shipping tags to minimize each trapper's per pelt costs. This involved gathering information from readily available public sources on the average trapper's operating costs, both fixed and variable; average harvest, and average pelt revenues for bobcat trappers in the state. The financial impact of Option 1 or Option 2 on an individual bobcat trapper would be dependent on the market price for bobcat pelts and the number of pelts taken per trapper. The Option 1 closure zones were

demarcated to meet statutory requirements and to retain trapping opportunity in the most productive areas. Under Option 2, trappers will no longer derive any income from the sale of bobcat pelts over the 2.5 month season. However, these trappers could continue to derive at least some income from the legal take of other animals. Overall, the Commission recognized the difficulty of predicting the impact of Option 1 or Option 2 on the viability of trapping as a business enterprise. If Option 1 had been chosen, a new assessment was proposed to be made following at least two seasons to determine if the Bobcat Trapping Validation and shipping tag fees required adjustment.

51. Support Option 1 because it is based on science. Listen to Department biologists who are trained in scientific management, and keep politics and emotions out of natural resources management.

The Commission acknowledges the expertise of Department biologists. The Department recommended an option to implement the Act based upon the limited information available and without knowing the statewide bobcat population size. The Commission welcomes additional scientific information regarding bobcats in California, but did not find that there was sufficient science to support a commercial bobcat trapping program.