

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Sections 478, 479  
Title 14, California Code of Regulations  
Re: Implementation of the Bobcat Protection Act of 2013

- I. Date of Initial Statement of Reasons: April 14, 2015
- II. Date of Pre-adoption Statement of Reasons: July 21, 2015
- III. Date of Final Statement of Reasons: September 25, 2015
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: December 3, 2014  
Location: Van Nuys
  - (b) Discussion Hearing: Date: June 10-11, 2015  
Location: Mammoth Lakes
  - (c) Adoption Hearing: Date: August 4-5, 2015  
Location: Fortuna

V. Update:

The Commission adopted Option 2, a statewide ban of bobcat trapping, amending Section 478, Bobcat, and Section 479, Bobcat Pelts, Title 14, CCR. No modifications were made to the originally proposed language of the Initial Statement of Reasons. There have been no changes in applicable laws or to the effect of the proposed regulations as described in the Notice of Proposed Action.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

More than 15,000 public comment letters, emails, and other documents, were received. A substantial majority was in favor of a statewide ban on bobcat trapping, while a much smaller number opposed both of the two options under consideration by the Commission. Very few commenters expressed support for Option 1, a partial ban of bobcat trapping. Many of the comments received are form letters or emails. Some came with attached letters or petitions. Verbal comments were received at both the discussion and adoption hearings.

Many of the comments raised were not unique, and as a result, the Commission has identified the specific comments made by reference to the attached summary

where specific comments are described and matched to responses of the Commission.

Because of the large volume of documents submitted by persons or organizations (whether by email, hand or letter), the comments were scanned, documented, and sorted into an electronic file contained in the attached Compact Disc (CD) and made available on-line at [www.fgc.ca.gov](http://www.fgc.ca.gov). The comments and responses are enumerated in:

#### ATTACHMENT 1. SUMMARY OF PUBLIC COMMENTS AND RESPONSES

Table 1: Contains the more than 15,000 letters and emails received during the Public Comment Period from May 29 through August 5, 2015.

Table 2: Contains the verbal comments received during the June 10-11, 2015, Discussion Hearing.

Table 3: Contains the verbal comments received during the August 4-5, 2015, Adoption Hearing.

Each table summarizes the comments of the individual or organization and assigns a corresponding response enumerated in Attachment 1. For example, those who voiced or wrote their support for a statewide ban of bobcat trapping were given the corresponding Comment and Response #1.

#### VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street, Room 1320  
Sacramento, California 95814

#### VIII. Location of Department Files:

Department of Fish and Wildlife  
Wildlife Branch  
1812 Ninth Street  
Sacramento, California 95811

#### IX. Description of Reasonable Alternatives to Regulatory Action:

##### (a) Alternatives to Regulation Change:

Option 1, partial closure of the state to bobcat trapping and establishing closure boundaries around protected areas. As required in subsection 4155(b)(1) of the FGC, the Commission identified each national or state park and national

monument or wildlife refuge that would require closure areas in accordance with the statute, and drafted a regulatory option that would have implemented this provision without closing the entire state to continued bobcat trapping. The Commission considered and rejected this alternative in favor of Option 2, a statewide ban on bobcat trapping as provided in the statute.

(b) No Change Alternative:

The statutory mandate to promulgate regulations is set forth in Fish and Game Code Section 4155(b)(1):

“Through the commission’s 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 each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited.”

Therefore, the Commission has no discretion to consider the no change alternative.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The principle businesses that are expected to be impacted by the proposed regulatory changes are approximately 200 licensed trappers which Department records indicate have historically taken bobcat and paid the current shipping tag fee. Their income is not derived solely from the take of bobcat pelts during the relatively short bobcat trapping season, but also from other animals lawfully taken for profit. The Commission adopted a complete ban on bobcat trapping, but the economic loss to the state as a whole is expected to be very small and would not significantly affect California businesses or their ability to compete with

businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any significant impacts on the creation or elimination of jobs within the State because a complete ban would affect only a small number of licensed commercial trappers whose income is not derived solely from bobcat pelts but also from other animals lawfully taken for profit.

The Commission anticipates potential benefits to the health and welfare of California residents through the enhancement of non-consumptive use benefits. Non-consumptive uses that could increase include: the observation of bobcats in the wild and the perceived value of the bobcat population's contribution to ecosystem functioning.

The Commission does not anticipate benefits to worker safety because this regulatory action will not impact health, welfare or worker safety.

The Commission anticipates possible benefits to the State's environment because bobcat populations will be protected in furtherance of the provisions of Fish and Game Code section 4155.

- (c) Cost Impacts on a Representative Private Person or Business:

A statewide ban would impact a small number of licensed trappers who will no longer derive any income from the sale of bobcat pelts. However, licensed trappers could continue to derive income from the legal take of other animals. No additional fees or costs are included in the regulatory option adopted by the Commission.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

- (e) Nondiscretionary Costs/Savings to Local Agencies: None

- (f) Programs Mandated on Local Agencies or School Districts: None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None

- (h) Effect on Housing Costs: None

## Updated Informative Digest/Policy Statement Overview

Amend sections 478, 479, and 702, Title 14, California Code of Regulations.

The statutory mandate to promulgate regulations to place restrictions on bobcat trapping is set forth in Fish and Game Code Section 4155, the Bobcat Protection Act of 2013, which states in subsection (b)(1):

“Through the commission’s 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 each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited.”

In addition, Fish and Game Code Section 4155(e) directs the Commission to set trapping license fees and associated fees at the levels necessary to fully recover 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. A range of potential fees is presented with the recommended fee combination of \$35 per shipping tag and \$1,137 for the proposed Bobcat Trapping Validation. The proposed regulatory changes will not affect the take of bobcats with a hunting license and bobcat hunting tags under subsection 478.1, or under a depredation permit issued pursuant to Section 401.

### PROPOSED REGULATORY CHANGES

Option 1: Partial closure of the state to bobcat trapping and establishing property-specific closure boundaries around protected areas.

- Amend Section 478, Bobcat, by adding descriptions of a statewide “Bobcat Trapping Closure Area” and 18 “Property-Specific Closure Areas” surrounding 23 protected areas and incorporate editorial changes and re-numbering of the text for clarity.
- Amend Section 702, Fees, by adding a new subsection (d)(1) to require (in addition to the trapping license fee set forth in the Fish and Game Code) the payment of a Bobcat Trapping Validation Fee set at \$[ 0 – 1,325 ] and subject to annual adjustment.
- Amend Section 479, Bobcat Pelts, by moving the current bobcat pelt shipping tag fee from subsection (c)(5); and Amend Section 702, Fees, adding a new subsection (d)(2), Shipping Tags, and increasing the fee from \$3 to \$[ 0 - 245 ] and subject to annual adjustments. Additionally, there are editorial changes and re-numbering of the text for clarity.
- Amend Section 479 by deleting the ‘no cost’ provision and ‘department mark’ on pelts not for sale in subsection (a)(1), each pelt will be required to have a Department issued shipping tag; and, by eliminating the listed Method of Take in subsection (c)(4).

Option 2: Total prohibition on bobcat trapping in California.

- Amend Section 478 by prohibiting bobcat trapping throughout California.
- Amend Section 479 eliminating pelt tags, fees, and department marks for bobcats taken by trapping.

#### BENEFITS OF THE PROPOSED ACTION:

The benefits of the proposed regulations to the environment, whether of a partial trapping ban as described in Option 1, or a full ban as described in Option 2, will be through the improved protection of bobcat populations and the enhancement of non-consumptive use benefits. Non-consumptive uses anticipated to potentially increase include: the observation of bobcats in the wild and the perceived value of the bobcat population's contribution to ecosystem functioning.

#### EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS:

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the commercial trapping of bobcat. No other State agency has the authority to promulgate such regulations. The Commission has searched the CCR for any regulations regarding bobcat trapping and has found no such regulation; therefore the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

#### Update - Pre-adoption Statement of Reasons

No changes have been made to the originally proposed regulatory language. The Department continues to recommend adoption of Option 1 with the establishment of a bobcat trapping validation fee of \$1,137 and a shipping tag fee of \$35.

#### **UPDATE – Final Statement of Reasons**

**No modifications were made to the originally proposed language of the Initial Statement of Reasons. There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.**

**At its meeting in Fortuna, CA on August 5, 2015, the Commission adopted Option 2, a statewide ban on bobcat trapping as originally proposed, amending Section 478, Bobcat, and Section 479, Bobcat Pelts, Title 14, CCR.**