

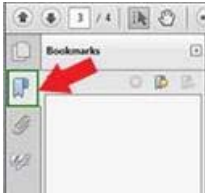
California Fish and Game Commission
Predator Policy Workgroup
Meeting Binder



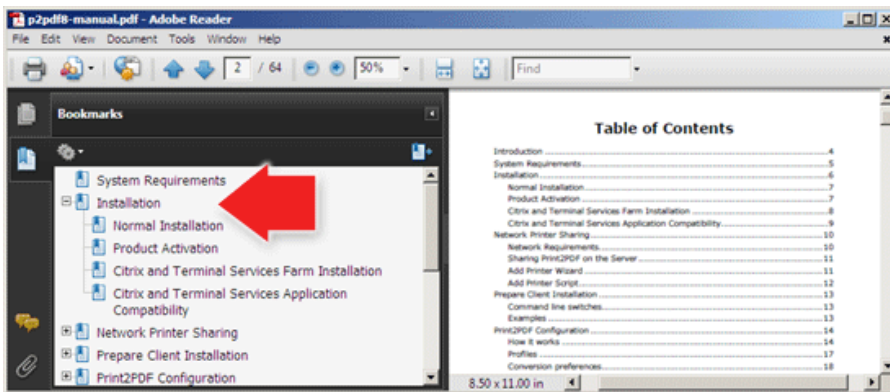
November 13, 2017
Sacramento

EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.
2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It's helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. You can resize the two panels by placing your cursor in the dark, vertical line located between the panels and using a long click /tap to move in either direction. ←|→
6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.
8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.
9. Do not hesitate to contact staff if you have any questions or would like assistance.

OVERVIEW OF FISH AND GAME COMMISSION WORKGROUP MEETING

- Our goal today is informed discussion to guide future decision making, and, we need your cooperation to ensure a lively and comprehensive dialogue.
- We are operating under Bagley-Keene Open Meeting Act, but the Workgroup is not a decision making body and only makes recommendations to the full Commission for possible action.
- These proceedings may be recorded and posted to our website for reference and archival purposes.
- Items may be heard in any order pursuant to the determination of the Workgroup Lead.
- In the unlikely event of an emergency, please locate the nearest emergency exits.
- Restrooms are located _____.
- Workgroup meetings operate informally and provide opportunity for everyone to provide comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:
 1. Raise your hand and wait to be recognized by the Workgroup Lead.
 2. Provide your name, affiliation (if any), and the number of people you represent.
 3. Time is limited; please keep your comments precise to give others time to speak.
 4. If several speakers have the same concerns, please appoint a group spokesperson.
 5. If you would like to present handouts or written materials to the Workgroup, please provide fourteen copies to the designated staff member just prior to speaking.
 6. If speaking during public comment, the subject matter you present should not be related to any item on the current agenda (public comment on agenda items will be taken at the time the Workgroup members discuss that item).
- **Warning!** Laser pointers may only be used by a speaker doing a presentation.

INTRODUCTIONS FOR FISH AND GAME COMMISSION PREDATOR POLICY WORKGROUP

COMMISSION STAFF

Valerie Termini	Executive Director
Erin Chappell	Wildlife Advisor
Heather Benko	Sea Grant Fellow

DEPARTMENT OF FISH AND WILDLIFE

Kari Lewis	Chief, Wildlife Branch
Patrick Foy	Captain, Law Enforcement Division
Scott Gardner	Acting Environmental Program Manager, Wildlife Branch

WORKGROUP MEMBERS

Josh Brones	Mark Hennelly
Noelle Cremers	Dr. Rick Hopkins
Rebecca Dmytryk	Tony Linegar
Jennifer Fearing	Erica Sanko
Bill Gaines	Jean Su

I would also like to acknowledge special guests who are present:

(i.e., key DFW staff, elected officials, tribal chairpersons, other special guests)

Commissioners
Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell E. Burns, Member
Napa
Peter S. Silva, Member
El Cajon

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

WILDLIFE RESOURCES COMMITTEE PREDATOR POLICY WORKGROUP

Members: Josh Brones, Noelle Cremers, Rebecca Dmytryk, Jennifer Fearing, Bill Gaines, Mark Hennelly, Rick Hopkins, Tony Linegar, Erica Sanko, and Jean Su

REVISED* Meeting Agenda
November 13, 2017, 12:30 p.m.

**California Fish and Game Commission
Jim Kellogg Conference Room
1416 Ninth Street, Room 1320, Sacramento, CA 95814**

This meeting may be audio-recorded

*The start time for meeting has been revised; revision is in ***bold, italicized*** font.

NOTE: Please see important meeting procedures and deadline information at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department. All agenda items are informational and/or discussion only. The Workgroup develops recommendations to the Wildlife Resources Committee. The Workgroup does not have authority to make policy or regulatory decisions on behalf of the Commission.

Call to order/roll call to establish quorum

1. Public forum for items not on the agenda
The Workgroup may not discuss or take action on any matter raised during this item, except to consider whether to recommend that the matter be added to the agenda of a future meeting.
[Sections 11125, 11125.7(a), Government Code]
2. Revise and finalize draft Predator Policy Workgroup report
3. Next steps
 - (A) Process for reviewer input
 - (B) January 2018 WRC meeting presentations
 - (C) Final wrap-up

Adjourn

**CALIFORNIA FISH AND GAME COMMISSION
2017 AND 2018 MEETING SCHEDULE**

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.

Meeting Date	Commission Meetings	Committee Meetings	Other Meetings
December 5			Coastal Fishing Communities Public Meeting Handlery Hotel 950 Hotel Circle North San Diego, CA 92108
December 6-7	Handlery Hotel 950 Hotel Circle North San Diego, CA 92108		
2018			
January 11		Wildlife Resources Justice A. Rattigan State Building 50 D Street Conf. Room 410 (4th Floor) Santa Rosa, CA 95404	
February 6		Tribal Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
February 7-8	Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		
March 6		Marine Resources Justice A. Rattigan State Building 50 D Street Conf. Room 410 (4th Floor) Santa Rosa, CA 95404	
March 15	Teleconference — Arcata, Napa, Sacramento, Los Alamitos, and San Diego		
April 12	Teleconference — Arcata, Napa, Sacramento, Los Alamitos and San Diego		
April 18-19	Ventura		
May 17		Wildlife Resources WestEd Building- Edwin C. Myers Classroom 4665 Lampson Avenue Los Alamitos, CA 90720	

Meeting Date	Commission Meetings	Committee Meetings	Other Meetings
June 19		Tribal Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
June 20-21	Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		
July 17		Marine Resources San Clemente	
August 22-23	North Coast		
September 20		Wildlife Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
October 16		Tribal San Joaquin Valley	
October 17-18	San Joaquin Valley		
November 14		Marine Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
December 12-13	Los Angeles or San Diego		

OTHER MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 9-12, 2018 Tampa, FL

Western Association of Fish and Wildlife Agencies

- January 3-8, 2018 San Diego, CA
- July 12-17, 2018 Eugene, OR

Wildlife Conservation Board

- November 30, 2017, Sacramento, CA
- February 2018, Sacramento, CA
- May 2018, Sacramento, CA
- August 2018, Sacramento, CA
- November 2018, Sacramento, CA

IMPORTANT COMMITTEE MEETING PROCEDURES INFORMATION

Welcome to a meeting of the California Fish and Game Commission's Wildlife Resources Committee (WRC) Predator Policy Workgroup (Workgroup). The Workgroup is comprised of ten members appointed by the Commission.

The goal of the Workgroup is to allow greater time to investigate predator policy issues in more detail than would otherwise be possible before WRC. Like WRC, Workgroup meetings are less formal in nature. As an advisory body of members appointed by the Commission, the Workgroup follows noticing requirements of the Bagley-Keene Open Meeting Act.

The Commission's goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Committee meetings are vital in developing recommendations to help the Commission achieve that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

PERSONS WITH DISABILITIES

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

SUBMITTING WRITTEN MATERIALS

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

COMMENT DEADLINES

The **Written Comment Deadline** for this meeting is **5:00 p.m. on October 31, 2017**. Written comments received at the Commission office by this deadline will be made available to Workgroup prior to the meeting.

The **Late Comment Deadline** for this meeting is **noon on November 8, 2017**. Comments received by this deadline will be marked "late" and made available to Workgroup at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – please bring fourteen (14) copies of written comments to the meeting.

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

Materials provided to the Workgroup may be made available to the general public.

SPEAKING AT THE MEETING

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

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

WORKGROUP STAFF SUMMARY FOR NOVEMBER 13, 2017

1. PUBLIC FORUM**Today's Item****Information** **Decision**

Receive public comments for items not on the agenda.

Summary of Previous/Future Actions (N/A)**Background**

The Predator Policy Workgroup (PPWG) generally receives two types of correspondence or comment under public forum: (1) requests for PPWG to consider new topics, and (2) informational items. Requests for regulation change need to be redirected to the full Commission and submitted on the required petition form, FGC 1, titled "Petition to the California Fish and Game Commission for Regulation Change" (Section 662, Title 14, California Code of Regulations).

PPWG may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on a future meeting agenda (pursuant to sections 11125 and 11125.7(a), Government Code).

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits (N/A)****Workgroup Decision/Recommendation (N/A)**

WORKGROUP STAFF SUMMARY FOR NOVEMBER 13, 2017

2. FINAL REPORT**Today's Item**Information Decision

Revise and finalize draft Predator Policy Workgroup report.

Summary of Previous/Future Actions

- Previous WRC discussion Sep 13, 2017; WRC, Riverside
- **Today's PPWG discussion** **Nov 13, 2017; PPWG, Sacramento**
- Next WRC discussion Jan 11, 2018; WRC, Santa Rosa

Background

In Jul 2017, PPWG met to develop final recommendations on the draft terrestrial predator policy and proposals for regulation change. Following the meeting, PPWG members drafted a report to document the final recommendations and additional considerations for WRC and FGC (Exhibit 1). PPWG members were scheduled to present the draft terrestrial predator policy and regulatory proposals from this report, highlighting the differing perspectives where there is not PPWG consensus, at the Sep 2017 WRC meeting. However, PPWG members were unable to finalize the report in time for the Sep WRC meeting and requested that WRC delay discussion until the Jan 2018 WRC meeting to give PPWG additional time to complete the report.

In Sep, WRC agreed to the request for additional time to complete the report with stipulations: (1) a PPWG meeting be held before the Thanksgiving holiday; (2) PPWG must finalize the report at that meeting; (3) no changes will be made to the report after the meeting; (4) once finalized, the report will be sent to the reviewers to provide them with an opportunity to comment; and (5) PPWG members will be given time to present the report at the January 2018 WRC meeting, as originally proposed for the Sep meeting. The WRC co-chairs also noted that if PPWG is unable to finalize the report at its final meeting, WRC would proceed without the report.

Today, PPWG will discuss and make final revisions to the report for presentation to WRC at the Jan 2018 WRC meeting.

Significant Public Comments (N/A)**Recommendation**

Where there is a difference in opinion among PPWG members, include differing perspectives within the report.

Exhibits

1. Draft PPWG report, revised Sep 1, 2017

Workgroup Decision/Recommendation (N/A)

WORKGROUP STAFF SUMMARY FOR NOVEMBER 13, 2017

3. NEXT STEPS

Today's Item	Information <input type="checkbox"/>	Decision <input checked="" type="checkbox"/>
(A) Process for reviewer input.		
(B) January 2018 WRC meeting presentations.		
(C) Final wrap-up.		

Summary of Previous/Future Actions (N/A)**Background**

- (A) FGC staff will discuss the process for submitting comments on PPWG's final report to WRC, and WRC comment deadlines.
- (B) In May 2017, WRC Co-chair Williams suggested providing time at the Sep 2017 WRC meeting to allow PPWG members to provide a balanced representation of the different views on the draft terrestrial predator policy. At the Sep 2017 WRC meeting, the scheduled presentations were deferred to the Jan 2018 WRC meeting. Today, PPWG will discuss the presentations, identify presenters, and discuss logistics for the Jan 2018 WRC meeting.
- (C) FGC staff will discuss next steps in the PPWG process.

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits (N/A)****Workgroup Decision/Recommendation (N/A)**

**Predator Policy Workgroup
Final Report
to the
California Fish and Game Commission
Wildlife Resources Committee
*Revised September 1, 2017***

Introduction

Management of terrestrial predators - in particular, mesocarnivores such as coyotes - was identified as a focal area at the Fish and Game Commission's (Commission) first Wildlife Resources Committee (WRC) meeting in June 2013. At the meeting, WRC directed staff to form a subcommittee to identify regulations for possible reform and policy statements to guide management. Over the next couple of years, the WRC continued to discuss various aspects of predator management. In August 2015, the Commission adopted a WRC recommendation to appoint a balanced group of stakeholders to draft and vet policy and/or regulatory options for WRC and Commission consideration.

In December 2015, the Commission appointed ten stakeholders, forming the Predator Policy Workgroup (Workgroup), to provide recommendations to the WRC and Commission on policy and regulatory options for managing predators in California. The Workgroup was comprised of three members representing farming and agricultural interests, three members representing interests in hunting and recreational predator management practices, three members representing interests in wildlife protection and non-lethal predator management practices, and one carnivore ecologist.

The Workgroup decided to evaluate whether existing predator policies and regulations reflect current understanding of science, wildlife management practices, ecological and environmental effects, economic concerns, social values, and public health and safety concerns. The Workgroup identified coyote, bobcat, badger, gray fox, mink, raccoon, short-tailed weasel, and long-tailed weasel as its priority focal species and included black bear, mountain lion, gray wolf, striped skunk, spotted skunk, and opossum as secondary focal species.

This report provides an overview of the formation of the Workgroup, its structure, and the project scope and objectives, and recommendations to the WRC and Commission on a terrestrial predator policy and regulation change proposals. Materials, summaries, and audio-recordings from the WRC and the Workgroup meetings noted below are available on the Commission's website at www.fgc.ca.gov/meetings.

Background

Workgroup History

- June 2013 – WRC meeting; WRC directed staff to form a subcommittee to identify regulations for possible reform and policy statements to guide management.
- August 2013 – The subcommittee met to discuss predator management issues.

- January 2014 – WRC meeting; staff presented the initial findings from the subcommittee meeting.
- July 2014 – WRC meeting; staff presented a summary of recommendations from the subcommittee and other members of the public. WRC requested structural review of three Title 14 regulation sections (460, 465.5, and 472).
- September 2014 – DFW presentation on predator management.
- January 2015 – WRC meeting; WRC directed the subcommittee to explore resolving structural issues identified in sections 465.5 and 472.
- March 2015 – The subcommittee met to discuss sections 465.5 and 472.
- May 2015 – WRC meeting; staff presented preliminary report with recommendations for next steps based on the subcommittee meeting. WRC Co-Chair Baylis proposed appointing a balanced group of stakeholders to draft and vet policy and/or regulatory options for consideration and discussion at future WRC meetings.
- June 2015 – FGC meeting; Commission discussed and tentatively approved the proposal.
- August 2015 – FGC meeting; staff presented draft proposal containing structural and functional recommendations and an appointment process for the Predator Policy Workgroup, establishing both a writing group and a review group. The Commission adopted the staff proposal.
- October 2015 – FGC meeting; Commission directed staff to move forward with the nomination process and deferred appointments -until its December 2015 meeting.
- December 2015 – FGC meeting; Commission appointed ten members to the writing group and deferred appointments for the review group until its February 2016 meeting.
- February 2016 – FGC meeting; Commission decided not to appoint members to the review group and instead, directed the writing group to meet and share draft products for review and comment with individuals requesting to participate as reviewers.
- February 2016 – the formally appointed Predator Policy Workgroup held its first meeting and initiated development of a draft work plan.
- April 2016 – Workgroup met and finalized the draft work plan for WRC review.
- May 2016 – WRC meeting; WRC recommended that the Commission approve the Workgroup's work plan.
- June 2016 – FGC meeting; Commission approved the Workgroup's work plan.
- July 2016 – Workgroup met and initiated review of existing predator management policies and regulations and agreed to complete an exercise to individually identify regulation sections to propose for change.
- September 2016 – Workgroup met, drafted initial predator policy, and discussed the results from the regulation exercise.

- November 2016 – Workgroup met, revised draft predator policy for WRC input, and developed an approach to evaluate the regulations.
- January 2017 – WRC meeting; WRC Co-Chair Williams provided input on the draft predator policy and urged the Workgroup to continue working and try to reach consensus on the policy.
- February 2017 – Workgroup met, made further revisions to the draft predator policy, and revised its approach to evaluating the regulations.
- March 2017 – Workgroup met, continued revisions to the draft predator policy, completed a prioritization exercise for the regulations, and identified four regulations to discuss at the next Workgroup meeting.
- April 2017 – FGC meeting; Commission adjusted the timeline for this effort, requesting it be brought to the WRC in the fall.
- May 2017 – WRC meeting; WRC requested feedback from the Workgroup on where there is consensus on the policy and asked for the Workgroup to outline differing perspectives where consensus has not been reached. WRC directed the Workgroup to provide its final recommendations on the draft predator policy and proposed regulation changes at the September WRC meeting.
- July 2017 – Workgroup met to finalize recommendations on the draft predator policy and proposed regulation changes.

Workgroup Members

The Commission appointed the following individuals to the Workgroup:

- Josh Brones, Sportmen's Alliance / AI Taucher Conservation Coalition
- Noelle Cremers, California Farm Bureau Federation
- Rebecca Dmytryk, Humane Wildlife Control Association
- Jennifer Fearing, Humane Society of the United States
- Bill Gaines, Gaines and Associates
- Mark Hennelly, California Waterfowl Association
- Dr. Rick Hopkins, Project Coyote Science Advisory Board
- Tony Linegar, Sonoma County Agricultural Commissioner
- Erica Sanko, California Wool Growers Association
- Jean Su, Center for Biological Diversity

Workgroup Reviewers

The following individuals participated as reviewers:

- Sally Barron
- Thomas Boo, Friends of Inyo
- David Capponi
- Steven Childs, California State Varmint Callers Association

- Jim Conrad, San Diego County Fish and Wildlife Advisory Committee
- Grandville Crow
- Lynn Cullens, Mountain Lion Foundation
- Teri Faulkner, California Bowmen Hunters and State Archery Association
- James Ferris
- Patrick Fitzmorris, California Deer Association
- Roy Griffith, California Pistol and Rifle Association
- Erin Hauge, Advocates for Wildlife
- Keli Hendricks, Project Coyote
- Theresa Hew
- Lori Jacobs, California Houndsmen for Conservation
- Randy Morrison, Mule Deer Foundation
- Chuck Morse, Mendocino County Agricultural Commissioner
- Damon Nagami, Natural Resources Defense Council
- Tom O'Key, Project Bobcat
- Mark Ono, USDA-APHIS, Wildlife Services
- Dennis Orthmeyer, USDA-APHIS, Wildlife Services
- George Osborn, California Association for Recreational Fishing
- Sharon Ponsford, California Council for Wildlife Rehabilitators
- Dan Reid, National Rifle Association
- Kimberly Richard
- Bill Saksa, Predator Callers of Orange County
- Robert R. Smith, San Diego County Wildlife Federation
- Dale T. Steele
- Ronald Stephens
- Kirk Wilbur, California Cattlemen's Association
- Robert Williams, San Diego County Varmint Callers
- Les Wright, Fresno County Agricultural Commissioner

Workgroup Structure

As a formally appointed body of the Commission, all Workgroup meetings were held in compliance with the Bagley-Keene Open Meeting Act. The Workgroup adopted ground rules and guiding principles and established a process for coordination with reviewers. The Workgroup determined it would strive for decision-making under consensus; if consensus was not possible, recommendations would be made by simple majority and include minority recommendations.

Roles and Responsibilities

- Workgroup – draft concepts and recommendations for consideration by WRC and the Commission.
- Reviewers – provide constructive feedback and input to the Workgroup.

- California Department of Fish and Wildlife – provide input on science, management practices, and enforcement.
- Commission staff – provide facilitation and meeting support and guidance on regulations.

Project Work Plan

The Workgroup developed a work plan outlining the project scope, objectives and tasks, and timeline (Appendix A). In June 2016, WRC recommended and the Commission approved the work plan. Over the course of the project, the Workgroup modified some of the tasks and adjusted the timeline; however, the project scope and objectives remained unchanged. Due to time constraints, the Workgroup was unable to complete Objective 4.

Project Scope

The Workgroup decided the purpose of the project was to evaluate whether existing predator policies and regulations reflect current understanding of science, wildlife management practices, ecological and environmental effects, economic concerns, social values, and public health and safety concerns. The Workgroup prioritized its focus on terrestrial carnivore species where take is allowed but management actions are not already in place: coyote, bobcat, badger, gray fox, mink, raccoon, short-tailed weasel, and long-tailed weasel. However, black bear, mountain lion, gray wolf, striped skunk, spotted skunk, and opossum were included as secondary focus species. The Workgroup focused on predator management as it relates to state-level governance including Commission policy, California Code of Regulations (CCR) Title 14, and relevant State statutes.

Project Objectives

- Objective 1: Review existing predator policies and regulations
- Objective 2: Develop proposed Commission Predator Management Policy
- Objective 3: Develop CCR Title 14 regulatory proposals
- Objective 4: Prepare summary of proposed statutory changes

Project Timeline

The original proposed timeline was to initiate the project in February 2016, complete it, and submit the Workgroup recommendations to the WRC in May 2017. The Workgroup was unable to complete the project by May 2017. In April 2017, the Commission directed the Workgroup to provide its final recommendations to the WRC in the fall of 2017.

Terrestrial Predator Policy

The Workgroup developed the following terrestrial predator policy for consideration and possible adoption by the Commission. The policy is intended to reflect the intrinsic and public value of terrestrial predators while recognizing the need to minimize and address conflicts when they may arise between predators and other values.

California Fish and Game Commission DRAFT Terrestrial Predator Policy

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

- I. For the purposes of this policy, terrestrial predators are defined as all native wildlife species in the Order Carnivora, except those in the Family Otariidae (seals, sea lions), the Family Phocidae (true seals), and sea otters (*Enhydra lutris*).
- II. Pursuant to the objectives set forth¹ in Section 1801 of Fish and Game Code, the Fish and Game Commission (Commission) acknowledges that native terrestrial predators are an integral part of California's natural wildlife and possess intrinsic, biological, historical, and cultural value, which benefit society and ecosystems. The Commission shall promote the ecological, scientific, aesthetic, recreational, and educational value of native terrestrial predators in the context of ecosystem-based management, while minimizing adverse impacts on wildlife and reducing conflicts that result in adverse impacts to humans, including health and safety, private property, agriculture, and other public and private economic impacts.
- III. The Commission further recognizes that sustainable conservation and management strategies are necessary to encourage the coexistence of humans and wildlife. It is, therefore, the policy and practice of the Fish and Game Commission that:
 - A. Existing native terrestrial predator communities and their habitats are monitored, maintained, restored, and/or enhanced using the best available science. The department shall protect and conserve predator populations.
 - B. Native terrestrial predator management shall be consistent with the goals and objectives of existing management and conservation plans. Management strategies shall recognize the ecological interactions between predators and other wildlife species and consider all available management tools, best available science, affected habitat, species, and ecosystems and other factors. The department shall provide consumptive and non-consumptive recreational opportunities. The recreational take of native terrestrial predator species shall be

managed in a way that ensures sustainable populations of predator and prey are maintained.

- C. Human-predator conflict resolution shall rely on management strategies that avoid and reduce conflict that results in adverse impacts to human health and safety, private property, agriculture, and public and private economic impacts. Efforts should be made to minimize habituation of predators especially where it is leading to conflict. Human safety shall be considered a priority. Management decisions regarding human-predator conflicts shall evaluate and consider various forms of lethal and nonlethal controls that are efficacious, humane, feasible and in compliance with all applicable state and federal laws and regulations. A diverse set of management tools should be considered including but not limited to recreational take, wildlife control methods, and exclusionary methods.

The Workgroup reached consensus on Sections I, II, III(A), and III(B) of the proposed policy. The Workgroup was unable to reach consensus on Section III(C). With regard to Section III(C), a majority of the Workgroup – consisting of the six members representing agricultural and hunting interests - opposed including the word “humane,” due to how it may be interpreted and potentially used to eliminate certain management tools. They noted that, while the word “humane” is used in some regulations, it is not defined in regulations; and they were concerned that the word is a highly subjective term compared to other terms in the policy, and that it would be more subject to interpretation. Human-predator conflicts vary significantly, and having more tools available can result in more effective management and reduce impacts. Therefore, in an effort to reach consensus on the policy, the majority of members agreed to include the word “humane” along with the inclusion of the last sentence to make it clear what types of tools are allowed in order to make the policy less subject to interpretation in this area. The majority of members recommends inclusion of the last sentence in Section III(C) if the word humane remains in the policy.

A minority of the members – consisting of the four members representing wildlife protection interests, non-lethal predator management, and carnivore ecology - recommend keeping the word “humane” in Section III(C) and removing the last sentence. These members hold that the policy should include “humane” because the word “humane” has substantial precedence in describing take of species in both Fish and Game Code and Title 14 of California Code of Regulations (CCR), and therefore is appropriate to use it to describe take methods in the Commission’s predator policy. Examples include Fish and Game Code sections 4181, 4181.5, and 3307 and Section 401, Title 14, CCR. Further, these members strongly oppose inclusion of the last sentence because: (1) the enumeration of exact management tools implies that those tools are preferred over others; (2) the list includes recreational take as a management tool for addressing human-predator conflicts, which they oppose on scientific and ethical grounds; and (3) the enumeration adds a level of specificity that does not exist in the other sections of the policy and is redundant. Moreover, including recreational take in Section III(C), which specifically addresses human-wildlife conflicts, is inconsistent with the existing

Commission Depredation Control Policy that specifies control methods shall be “directed toward the offending animals” and not the indiscriminate take of predators.

In addition, these minority members make the following recommendations on the policy:

- The policy should emphasize avoiding impacts to non-target species when addressing human-predator conflicts.
- Further, with respect to addressing human-predator conflicts, the policy should focus on addressing management of the offending animal instead of non-target animals, consistent with the Commission’s depredation policy.
- In Section III(C), modify the sentence on conflict resolution to read: “Human-predator conflict resolution shall rely on management strategies that prevent and at the very least minimize conflict that results in adverse impacts to human health and safety, private property, agriculture, ecosystems, and public and private economic impacts.” If this recommendation is incorporated, also recommend modifying the last sentence of Section II to include the term “ecosystems” for consistency within the policy.

Proposals for Regulation Change (Appendices B and C)

Between the July 2016 and September 2016, the Workgroup members completed an exercise (Appendix B) to propose changes to the existing predator-related regulations in an effort to begin the process of identifying and prioritizing of regulations to propose for revision. The exercise identified dozens of suggested recommendations for regulatory change proposed by all Workgroup members. Following the exercise and discussions at the September 2016 and November 2016 meetings, in February 2017 the Workgroup decided to categorize the proposed changes by type of change to help identify proposed changes that would be more likely for the Workgroup to reach consensus on (Appendix C). The proposed changes from the original exercise were categorized by structural, biological, and moral/ethical changes. In cases where a regulation had proposals that varied significantly, it was added to a cross-cutting issues category for further discussion.

In March 2017, the Workgroup participated in an exercise to try to prioritize and select proposed regulations change for discussion at future Workgroup meetings. While the exercise was unsuccessful, the Workgroup agreed to a process for the review of proposals and identified four proposals for discussion at the next meeting. The proposals were selected with the understanding that there would be an opportunity for discussion of proposals representing the interests of all Workgroup members at future meetings. The proposals were intended to be relatively straightforward structural changes to address clarity and consistency issues, and were selected, in part, as low-hanging fruit to evaluate how the Workgroup could work together to vet proposals. Since the proposals were selected as a starting point for the Workgroup, they do not reflect the priorities of the Workgroup as a whole or the priorities of individual Workgroup members. Due to the change in the project timeline, the Workgroup did not complete the selection and full evaluation of proposals as proposed in the work plan.

At the July 2017 meeting, the Workgroup evaluated three of the four proposed changes and several other proposed changes and developed the following proposals. As noted above, with

the change in the project timeline, these proposed changes were not fully vetted or approved by the Workgroup. The Workgroup agreed to openly discuss the concepts of the following proposals but hold that further discussion is necessary to address the additional considerations explained in this report. This report only reflects the proposals discussed in July, which were limited to proposals put forth by the majority members representing agricultural and hunting interests, and therefore only represents a small subset of the regulation changes proposed by the Workgroup. Given that this report does not include any evaluation of the numerous proposals identified during the project, the proposals presented below should not be viewed as a comprehensive picture of proposals from the Workgroup. Furthermore, only nine members of the Workgroup attended the July meeting therefore, the proposals do not necessarily reflect the position of the tenth Workgroup member.

Proposal 1: Modify subsection 401(a) to establish a time limit for DFW to issue depredation permits.

- Issue: Section 401 requires people whose property is damaged by elk, bear, beaver, wild pigs, deer, wild turkey, gray squirrels, or bobcats to obtain a depredation permit before taking any animals that have damaged or are immediately threatening to damage property. This requirement can make it difficult to target the individual animal causing the damage due to the time it can take between applying for and the issuance of a depredation permit.
- Proposed language change:
 - 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, bobcat, beaver, wild pigs, deer, wild turkeys, or gray squirrels that are damaging or destroying, or immediately threatening to damage or destroy, land or property. A bobcat in the act of injuring or killing livestock may be taken immediately provided the property owner or tenant applies for a permit from the department the next working day following the take. The department shall respond to an application as soon as possible, but no later than 72 hours after receiving the application. Should the department fail to respond, an application shall be deemed accepted and a permit deemed issue. Should the application occur during a holiday period, the department shall respond within 96 hours. Applications made verbally shall be required to also submit a written or electronic application to create a formal record of the application, this record shall include the time of the initial verbal application.
- Additional Considerations: The Workgroup reached consensus on the broad concept being proposed but raised the following concerns for further consideration:
 - Need input on the response time (72/96 hours) from DFW
 - Need additional clarification on the self-issued permits
 - Issuance. Concerns were raised about verbal requests being properly tracked. One suggestion was to have the 72/96 period start from the submittal of the electronic applications. This raised concerns about delays associated with access to computers when working in remote locations. This may require additional language to clarify. It was also suggested to

require permittee to notify DFW prior to taking action once the 72 hours has passed.

- Permit Period. Currently permits are issued for a period not to exceed one year for beaver, wild pigs and gray squirrels and for a period not to exceed 60 consecutive days for bobcat, elk, bear, wild turkey, or deer. Therefore, a permit period for self-issued permits within that time frame should be considered. Some suggestions included one week, two weeks, or ten days.
- Limit on Number of Animals Taken. Concerns were raised about how many animals might be taken under a self-issued permit. Therefore, a take limit should be considered for self-issues permits. There was a suggestion to limit the take to one animal except for wild pig, wild turkeys, and gray squirrels.

Proposal 2: Modify Section 460 to clarify what type of take is allowed or prohibited for the species listed.

- Issue: The current language in Section 460 prohibits the take of fisher, marten, river otter, desert kit fox, and red fox for any purpose. This section is inconsistent with Fish and Game Code Section 4180, which allows for the take of fur-bearing mammals that are injuring property. Note, Fish and Game Code Section 4012 specifically prohibits the take of any red fox for profitmaking purposes.
- Proposed language change:
460. Fisher, Marten, River Otter, Desert Kit Fox, and Red Fox.
Fisher, marten, river otter, desert kit fox, and native red fox may not be taken at any time with the exception of depredation pursuant to Fish and Game Code Section 4180.
- Additional Considerations: The Workgroup initially discussed language that would explicitly prohibit take for the purposes of recreation or commerce in fur, which implicitly would allow for take for depredation. Based on the discussion, the Workgroup decided to modify the language to allow for take for depredation purposes consistent with the intent of the proposed change. The minority of members, representing wildlife protection and carnivore ecology, did not believe the regulation should be changed but were open to modifying the language solely for consistency with Fish and Game Code. Like with proposal 1, the Workgroup reached consensus on the general concept being proposed but raised the following concerns for further consideration:
 - Need for clarification regarding restrictions on take of listed subspecies, such as Sierra Nevada red fox, which are listed as threatened or endangered species.
 - Full consensus was not reached on whether or not to prohibit the recreational take of native Sacramento Valley red fox and non-native red fox. A majority of Workgroup members – representing agricultural and hunting interests - supported allowing the recreational take of both subspecies, while other members supported the recreational take of non-native red fox but not Sacramento Valley red fox, and one member opposed the recreational take of

any red fox, regardless of whether the fox was native or non-native. As noted above, one final member of the Workgroup was not present during the discussion. The Workgroup decided to move forward with this proposal prohibiting the take of native red fox for recreation and commerce in fur. In addition, a majority of the Workgroup agreed on the consideration of a separate proposal for the recreational take of non-native red fox, with the exception of the one member who opposed recreational take of any red fox (see Proposal 3).

Proposal 3: Create a new section in Chapter 5 (Furbearing Mammals) to establish a season, bag limit, and possession limit for the recreational take of non-native red fox.

- Issue: If Section 460 is modified as proposed above it would allow for the recreational take of non-native red fox populations. Currently recreational take is not allowed so new regulations would need to be adopted to establish the season, bag, and possession limits.
- Proposed language change: no language is proposed at this time.
- Additional Considerations: As noted under Proposal 2, the Workgroup was unable to reach full consensus on whether or not to allow for the recreational take of non-native red fox. However, there was support from the majority of the Workgroup – representing agricultural, hunting, and some wildlife protection interests - for the proposal in concept. As noted above one member, representing wildlife protection, fully opposed the recreational take of any red fox, and therefore opposed this proposal. During preparation of this report, the tenth member noted opposition to this proposal.

Proposal 4: This proposal consists of two sub-proposals: Sub-proposal (1) The reorganization and minor text revisions to improve the clarity of Section 465.5 (use of traps); and Sub-proposal (2) modification of subsection 465.5(g)(5) to allow for the use of a pan-tension leg snare device in the San Joaquin Kit Fox range.

- Issue for Sub-proposal 1: Section 465.5 governs the use of traps for the take of mammals for recreation, commerce in fur, and depredation purpose. The regulation is complex making it difficult to understand how, where, and what traps can be used for the different purposes. The intent of this proposal is to clean-up and reorganize the existing language to improve the clarity of the regulation.
- Issue for Sub-proposal 2: Under current regulations, leg snares are prohibited in the San Joaquin Kit Fox and Sierra Nevada Red Fox zones because of their endangered species status. These regulations reduce the tools available to landowners for addressing depredation issues associated with coyotes within these ranges. Since the enactment of Proposition 4, the U.S. Department of Agriculture (USDA) has developed a leg snare that is triggered by an animal stepping on an adjustable pan. The U.S. Fish and Wildlife Service (USFWS) has formally determined that the use of leg snare with a permanently attached build-in pan tension device adjusted to require at least 4.5 pounds of pressure to spring the trap, such as the USDA device, is not likely to adversely affect San Joaquin Kit Fox. This sub-proposal would allow for the use of this pan-tension device with the San Joaquin Kit Fox zone.

- Proposed language change for Sub-proposal 2:

465.5. Use of Traps.

(g)(5) Zones Prohibited to the Use of Conibear-type Traps and Snares. Conibear-type traps and snares, except those totally submerged, and deadfall traps are prohibited in the following zones. [Notwithstanding the prohibition on conibear-type traps and snares, foot snares using a pan tension device are not prohibited in the range of the San Joaquin Kit Fox.](#)

Additional Considerations: During development of the final report, it became clear that there was confusion at the meeting about what was being included in this proposal. Some members did not realize that both sub-proposals - the reorganization of 465.5 and the modification to subsection 465.5(g)(5) - were being included. This proposal is being included in the report, based on the decision made at the meeting; however, support for the proposal provided here reflects the opinions provided during preparation of this report. The Workgroup has full consensus on Sub-Proposal 1: the reorganization and minor text revisions to improve the clarity of this section portion of the proposal. With respect to Sub-proposal 2: the majority of members, representing agricultural and hunting interests, supports the modification of subsection 465.5(g)(5) as proposed. However, the minority of members, representing wildlife protection and carnivore ecology, oppose the modification of subsection 465.5(g)(5). Also during preparation of this report, the tenth member noted opposition to the modification of subsection (g)(5) portion of this proposal.

- During the meeting, members raised the following concerns for further consideration:
 - The need for input from biologists working within the San Joaquin Kit Fox zone as to the effectiveness of the trap at excluding non-target species. Critically how the use of such a trap could impact the San Joaquin Kit Fox recovery and populations.
 - The need for adding language to specify how the trap is set. For example requiring the adjustment to at least 4.5 pounds of pressure as determined by the USFWS.
 - Further revisions to this regulation section need far more thorough vetting prior to additional changes being made.

Proposal 5: Modify sections 461, 464, and 478 to align the season dates for the take of badger, gray fox, raccoon (balance of state), and bobcat to start on the second Saturday in November and end on February 28 each year.

- Issue: These species have similar but slightly different season dates, which creates confusion for hunters on which species can be taken at which time. Standardizing the season dates will simplify the regulations, reduce the risk of species being taken out of season, make enforcement easier, and maintains protection for the species during the reproductive and rearing periods.
- Proposed language change:

- Section 461(a)(1). Badger and gray fox season dates would change from “November 16 through the last day of February” to “the second Saturday in November through February 28.”
- Section 464(a)(2). Raccoon season dates, in the balance of the state, would change from “November 16 through March 31” to “the second Saturday in November through February 28.”
- Section 478. Bobcat season dates would change from “October 15 through February 28” to “the second Saturday in November through February 28.”
- Additional Considerations: As with previous proposals, the Workgroup reached consensus on the concept being proposed but raised the following concerns for further consideration:
 - Need input from DFW on the potential impacts to the species, if any, from the shift in dates.

In closing, the Workgroup recognizes native terrestrial predators are an integral part of the ecosystem and the importance of assessing and monitoring their populations and distribution to help inform management decisions. Therefore, the Workgroup encourages the Commission and DFW to pursue opportunities to secure adequate funding and resources to improve data collection, analysis, and monitoring of these species.

ⁱ Note: The term “set forth” was added to the draft policy by the Workgroup during development of the final report.