

California Fish and Game Commission
Wildlife Resources Committee
Meeting Binder



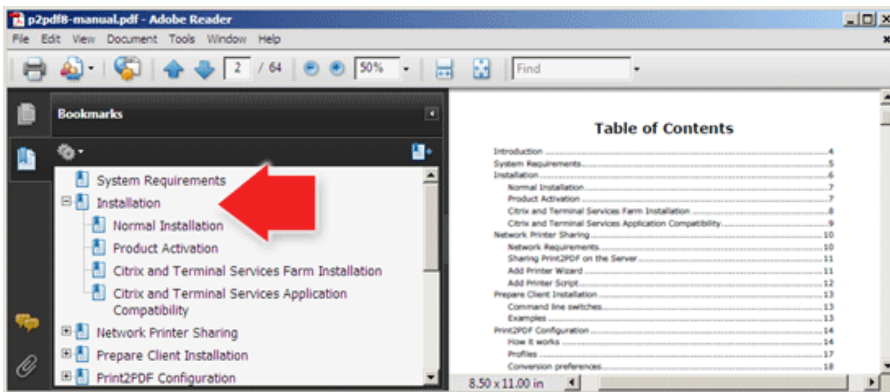
January 11, 2018
Santa Rosa

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 COMMITTEE 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 Committee 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 Committee Co-Chairs.
- In the unlikely event of an emergency, please locate the nearest emergency exits.
- Restrooms are located _____.
- As a general rule, requests for regulatory 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, CCR). However, at the Committee’s discretion, the Committee may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.
- Committee 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 Committee.
 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 Committee, please provide five 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 Committee members discuss that item).
- **Warning!** Laser pointers may only be used by a speaker doing a presentation.

INTRODUCTIONS FOR FISH AND GAME COMMISSION WILDLIFE RESOURCES COMMITTEE

FISH AND GAME COMMISSIONERS

Anthony C. Williams Co-Chair (Huntington Beach)
Russell E. Burns Co-Chair (Napa)

COMMISSION STAFF

Valerie Termini Executive Director
Erin Chappell Wildlife Advisor
Rick Pimentel Analyst

DEPARTMENT OF FISH AND WILDLIFE

Stafford Lehr Deputy Director, Wildlife and Fisheries Division
Kevin Shaffer Chief, Fisheries Branch
Kari Lewis Chief, Wildlife Branch
Patrick Foy Captain, Law Enforcement Division
Chris Stoots Lieutenant, Law Enforcement Division

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

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

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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
Jamul

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

WILDLIFE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Williams and Commissioner Burns

Meeting Agenda
January 11, 2018, 10:00 a.m.

Justice A. Rattigan State Building, Conference Room 410
50 D Street, Santa Rosa 95404

This meeting may be audio-recorded

NOTE: Please see important meeting procedures and 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 Committee develops recommendations to the Commission but does not have authority to make policy or regulatory decisions on behalf of the Commission.

Call to order

1. Approve agenda and order of items
2. Public forum for items not on the agenda
The Committee 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]
3. Department updates
 - (A) Wildlife Branch
 - (B) Fisheries Branch
 - (C) Law Enforcement Division
4. Identify and discuss initial recommendations for 2019-20 sport fishing regulations
5. Discuss and approve recommendations for 2018-19 upland game bird regulations

6. Discuss potential changes to coastal streams low-flow regulations
 - (A) FGC Petition #2015-14: Mendocino, Sonoma, and Marin counties' coastal streams
 - (B) FGC Petition #2015-15: Russian River
7. Predator Policy Workgroup
 - (A) Predator Policy Workgroup member presentations on draft terrestrial predator policy and regulatory proposals
 - (B) Discuss and possible recommendation for terrestrial predator policy and regulatory proposals
8. Discuss ideas for outreach and education regarding implementation of the ban on lead ammunition for take of wildlife (Fish and Game Code Section 3004.5; Section 250.1, T14, CCR)
9. Future agenda items
 - (A) Review work plan agenda topics and timeline
 - (B) Potential new agenda topics for FGC consideration

Adjourn

**CALIFORNIA FISH AND GAME COMMISSION
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 Meeting	Committee Meeting	Other Meetings
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 Ave. Los Alamitos, CA 90720	
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 California Department of Parks and Recreation Orange Coast District Office Training Room 3030 Avenida del Presidente San Clemente, CA 92672	

Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
August 22-23	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540		
September 20		Wildlife Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
October 16		Tribal Radisson Fresno Conference Center 1055 Van Ness Avenue Fresno, CA 93721	
October 17-18	Radisson Fresno Conference Center 1055 Van Ness Avenue Fresno, CA 93721		
November 14		Marine Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
December 12-13	QLN Conference Center 1938 Avenida del Oro Oceanside, CA 92056		

OTHER 2018 MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 9-12, Tampa, FL

Pacific Fishery Management Council

- March 8-14, Rohnert Park, CA
- April 5-11, Portland, OR
- June 6-14, Spokane, WA
- September 5-12, Seattle, WA
- November 1-8, San Diego, CA

Pacific Flyway Council

- March 27, Norfolk, VA
- September, TBD

Western Association of Fish and Wildlife Agencies

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

Wildlife Conservation Board

- February 22, Sacramento, CA
- March 22, Sacramento, CA (special meeting)
- May 24, Sacramento, CA
- August 30, Sacramento, CA
- November 15, Sacramento, CA

IMPORTANT COMMITTEE MEETING PROCEDURES INFORMATION

Welcome to a meeting of the California Fish and Game Commission's Wildlife Resources Committee. The Committee is chaired by up to two Commissioners; these assignments are made by the Commission.

The goal of the Committee is to allow greater time to investigate issues before the Commission than would otherwise be possible. Committee meetings are less formal in nature and provide for additional access to the Commission. The Committee follows the noticing requirements of the Bagley-Keene Open Meeting Act. It is important to note that the Committee chairs cannot take action independent of the full Commission; instead, the chairs make recommendations to the full Commission at regularly scheduled meetings.

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

COMMENT DEADLINES:

The **Written Comment Deadline** for this meeting is **5:00 p.m. on December 29, 2017**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Late Comment Deadline** for this meeting is **Noon on January 5, 2017**. Comments received by this deadline will be marked "late" and made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – please bring five (5) copies of written comments to the meeting.

The Committee **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.

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

REGULATION CHANGE PETITIONS

As a general rule, requests for regulatory 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, CCR). However, at the Committee's discretion, the Committee may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.

SPEAKING AT THE MEETING

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

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

VISUAL PRESENTATIONS/MATERIALS

All electronic presentations must be submitted by the **Late Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email or delivered to the Commission on a USB flash drive by the deadline.
2. All electronic formats must be Windows PC compatible.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available.

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

COMMITTEE STAFF SUMMARY FOR JANUARY 11, 2018

2. PUBLIC FORUM**Today's Item****Information** **Direction**

Receive public comments for items not on the agenda.

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

The Committee generally receives two types of correspondence or comment under public forum: Requests for the Committee to consider new topics, and informational items. As a general rule, requests for regulatory change need to be redirected to FGC 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, CCR). However, at the discretion of the Committee, staff may be requested to follow up on items of potential interest to the Committee and possible recommendation to FGC.

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

FGC staff: If the committee wants to recommend any new future agenda items based on issues raised and within FGC's authority, staff recommends holding for discussion under today's Agenda Item 9, Future Agenda Items.

Exhibits (N/A)**Committee Direction/Recommendation (N/A)**

COMMITTEE STAFF SUMMARY FOR JANUARY 11, 2018

3. DEPARTMENT UPDATES**Today's Item**Information Action

Receive updates on DFW activities.

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

This is a standing agenda item for DFW to provide updates on activities of interest related to wildlife and inland fisheries.

- (A) Wildlife Branch: Kari Lewis, Chief, will provide an overview of the branch and highlight recent activities.
- (B) Fisheries Branch: Kevin Shaffer, Chief, will provide an overview of the branch and highlight recent activities.
- (C) Law Enforcement Division: Captain Patrick Foy will provide a wildlife enforcement update.

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits (N/A)****Committee Direction/Recommendation (N/A)**

COMMITTEE STAFF SUMMARY FOR JANUARY 11, 2018

4. SPORT FISHING REGULATIONS**Today's Item****Information** **Direction**

Identify and discuss initial recommendations for 2019-20 sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|---|--|
| <ul style="list-style-type: none"> • Today's discussion • Next WRC meeting • FGC notice hearing | <p>Jan 11, 2018; WRC, Santa Rosa
 May 17, 2018; WRC, Los Alamitos
 Aug 22-23, 2018; Fortuna</p> |
|---|--|

Background

This item is to provide the public an opportunity to identify and discuss potential items to include in the upcoming rulemaking for sport fishing regulations for the 2019-20 season.

Today, FGC staff will lead a discussion to solicit public input and suggestions for the sport fishing regulations. DFW staff will discuss any proposed regulation changes being considered for the 2019-20 season.

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits (N/A)****Committee Direction/Recommendation (N/A)**

COMMITTEE STAFF SUMMARY FOR JANUARY 11, 2018

5. 2018-19 UPLAND GAME BIRD REGULATIONS**Today's Item**Information Direction

Discuss and approve recommendations for 2018-19 upland game bird hunting regulations.

Summary of Previous/Future Actions

- | | |
|---|--------------------------------------|
| • Previous WRC discussion | Sep 13, 2017; WRC, Riverside |
| • Today's discussion and recommendations | Jan 11, 2018; WRC, Santa Rosa |
| • FGC notice hearing | Feb 7-8, 2018; Sacramento |

Background

This item is to provide the public an opportunity to discuss proposed regulation changes for the 2018-19 upland game bird season. Upland game birds include species such as pheasant, quail, sage grouse, and dove.

One regulatory petition received by FGC, Petition #2016-010, was referred to DFW for further consideration in this rulemaking package (Exhibit 1). Petition #2016-010 proposes that sage grouse permit holders be awarded a preference point similar to those used for big game drawings to improve a hunter's chances of being drawn in future years.

Today, DFW staff will present any proposed regulation changes for 2018-19 beyond anticipated changes to season and bag limits and items previously referred to this rulemaking package.

This meeting is the last opportunity for WRC to make recommendations to FGC regarding potential changes to consider in this rulemaking, for the notice hearing in Feb 2018.

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

FGC staff: Prior to developing a recommendation, consider recommendations provided by DFW during the meeting and public comments.

Exhibits

1. Petition #2016-010, received Jun 8, 2016

Committee Direction/Recommendation

WRC recommends that the Commission authorize publication of a notice of its intent to amend upland game bird regulations for the 2018-19 seasons, consistent with changes discussed during today's meeting.

COMMITTEE STAFF SUMMARY FOR JANUARY 11, 2018

6. COASTAL STREAMS LOW-FLOW REGULATIONS**Today's Item**Information Direction

Discuss potential changes to coastal streams low-flow regulations.

- (A) FGC Petition #2015-014: Mendocino, Sonoma and Marin counties coastal streams
- (B) FGC Petition #2015-015: Russian River

Summary of Previous/Future Actions

- Previous WRC discussion May 24, 2017; WRC, Sacramento
- **Today's discussion and possible direction Jan 11, 2018; WRC, Santa Rosa**

Background

- (A) Petition #2015-014: Requests changes to only allow artificial lures with barbless hooks to be used year-round on selected coastal streams, close all angling on selected coastal streams from Apr 1 to Oct 31, and allow angling for steelhead in the tidally influenced portions of the Gualala, Garcia and Navarro rivers when stream flows are below the current trigger for the designated gauging stations (Exhibit 1).

In Apr 2016, FGC granted this petition for consideration in the 2018-19 sport fish rulemaking package. At the May 2017 WRC meeting, DFW presented its proposed changes to sport fishing regulations, and recommended that the changes proposed in the petition be identified as alternatives considered but rejected. After further discussion, WRC recommended removing the petitioned changes from the sport fishing rulemaking package to allow for further vetting with the affected stakeholder community; at its Jun 2017 meeting, FGC approved the WRC recommendation.

- (B) Petition #2015-015: Requests changes to only allow artificial lures with barbless hooks to be used year-round and remove the minimum flow requirement on the mainstem Russian River. Also requests continuing the year-round closure in the coho re-establishment monitoring project area (Exhibit 2).

In Apr 2016, FGC referred this petition to DFW for further evaluation. In Dec 2016, FGC adopted a DFW recommendation to refer this petition to WRC for additional vetting with potentially affected stakeholders. In May 2017, WRC recommended combining discussion of this petition with Petition #2015-014; FGC adopted the WRC recommendation in Jun 2017.

Today, FGC staff will lead a discussion to solicit stakeholder input on the proposed changes in these two petitions for WRC consideration and possible direction.

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

FGC staff: Based on input received at the meeting and public comment, determine whether to recommend FGC proceed to further consider Petition #2015-014 and whether to grant or deny Petition #2015-015.

COMMITTEE STAFF SUMMARY FOR JANUARY 11, 2018

Exhibits

1. Petition #2015-014, received Dec 15, 2015
2. Petition #2015-015, received Dec 16, 2015

Committee Direction/Recommendation

WRC recommends that the Commission add Petition #2015-014 to the rulemaking calendar and grant Petition #2015-015 for further consideration.

OR

WRC recommends that the Commission not further consider Petition #2015-014 and deny Petition #2015-015.

COMMITTEE STAFF SUMMARY FOR JANUARY 11, 2018

7. PREDATOR POLICY WORKGROUP**Today's Item****Information** **Direction**

- (A) Predator Policy Workgroup (PPWG) member presentations on draft terrestrial predator policy and regulatory proposals
- (B) Discuss and possible recommendation for terrestrial predator policy and regulatory proposals

Summary of Previous/Future Actions

- Previous PPWG meetings Feb 2016 - Jul 2017; Sacramento
- Previous WRC discussion Jan 18, 2017; WRC, Redding
- Previous WRC discussion May 24, 2017; WRC, Sacramento
- Previous WRC discussion Sep 13, 2017; WRC, Riverside
- **Today's discussion and possible direction Jan 11, 2018; WRC, Santa Rosa**

Background

Ongoing management of terrestrial predators, such as coyotes, was identified as a priority focal area at the first WRC meeting in Jun 2013. In Dec 2015, FGC appointed 10 stakeholders, forming PPWG, to provide recommendations to WRC and FGC on policy and regulatory options for managing predators in California.

PPWG met nine times between Feb 2016 and Jul 2017 to discuss and draft a terrestrial predator policy and consider potential regulation changes. At the May 2017 WRC meeting, FGC staff presented a revised work plan timeline, based on input from FGC at its Apr 2017 meeting. Given limited time to complete an evaluation of existing regulations due to the revised timeline, FGC staff proposed that PPWG develop for FGC consideration a recommendation for next steps in addressing potential regulation changes; WRC supported the proposed approach. The WRC co-chairs also requested PPWG continue working on the policy and provide WRC feedback on where there is consensus on the policy, and to outline the differing perspectives where there is not consensus, at its Sep 2017 meeting.

In Jul 2017, PPWG met to develop final recommendations on the draft terrestrial predator policy; it also chose to consider proposals for regulation change. Following the meeting, PPWG members drafted a report to document the final recommendations and additional considerations for WRC and FGC; however, PPWG members were unable to complete the report in time for the Sep 2017 WRC meeting and requested additional time to finalize it.

At its Sep 2017 meeting, WRC granted PPWG additional time with the following stipulations: (1) a PPWG meeting be held before the Thanksgiving holiday; (2) PPWG must finalize the report at that meeting; (3) no changes to be made to the report after the meeting; (4) once finalized, the report to be sent to the reviewers to provide an opportunity for comment; and (5) PPWG members to be given time to present the report at the Jan 2018 WRC meeting. A PPWG meeting was scheduled for Nov 13, 2017 but was canceled due to the loss of a quorum; therefore, PPWG was unable to finalize its report. In lieu of the PPWG report, FGC staff prepared a report which provides an overview of the Workgroup's formation, its structure,

COMMITTEE STAFF SUMMARY FOR JANUARY 11, 2018

the project scope and objectives, a draft terrestrial predator policy, and considerations for potential regulatory changes (Exhibit 1).

- (A) Today, PPWG members will present the draft terrestrial predator policy and regulatory proposals developed during this process, highlighting the differing perspectives where there is not PPWG consensus.
- (B) Today, WRC will discuss the PPWG draft terrestrial predator policy and regulatory proposals for possible recommendation to FGC.

Significant Public Comments

A subgroup of reviewers provided comments on the PPWG process and recommendations for next steps related to policies and regulations for predator management (Exhibit 2). Also received were two public comments requesting stricter control of coyote populations (exhibits 3-4).

Recommendation

FGC staff: Based on input received at the meeting and public comment, determine whether to recommend the draft terrestrial predator policy and regulatory proposals for FGC consideration or whether they need additional vetting through WRC. In addition, recommend FGC formally disband PPWG.

Exhibits

1. FGC staff report, dated December 2017
2. Letter from PPWG Conservation Review Group, received Nov 30, 2017
3. Email from John Herlihy, received Dec 14, 2017
4. Email from Bruce Dodd, received Dec 28, 2017

Committee Direction/Recommendation

WRC recommends that the Commission adopt the terrestrial predator policy and authorize Department and Commission staff to prepare rulemaking packages for regulatory proposals as presented in the FGC staff report. WRC also recommends that the Commission formally disband the Predator Policy Workgroup.

OR

WRC recommends that the Commission adopt the terrestrial predatory policy with the following change(s) _____ and authorize Department and Commission staff to prepare rulemaking packages for the following regulatory proposal(s) _____ as presented in the FGC staff report. WRC also recommends that the Commission formally disband the Predator Policy Workgroup.

COMMITTEE STAFF SUMMARY FOR JANUARY 11, 2018

8. NONLEAD AMMUNITION**Today's Item****Information** **Direction**

Discuss ideas for outreach and education regarding implementation of the ban on lead ammunition for the take of wildlife.

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

Assembly Bill 711 (Stats. 2013, Chap. 742) amended Section 3004.5 of the Fish and Game Code, requiring FGC to promulgate regulations to require the use of nonlead ammunition when taking wildlife with any firearm, effective no later than Jul 1, 2019. In Apr 2015, FGC adopted new regulations to phase in the statutory requirements for nonlead ammunition in three phases.

- Phase 1, effective Jul 2015, requires use of nonlead ammunition when taking Nelson bighorn sheep or when taking any wildlife in any State wildlife area or ecological reserve.
- Phase 2, effective Jul 2016, requires use of nonlead ammunition when using a shotgun to take: (1) upland game birds, except dove, quail, snipe, and any game bird taken under the authority of a licensed game bird club; (2) resident small game mammals, fur-bearing mammals, nongame mammals, or nongame birds; and (3) any wildlife for depredation purposes.
- Phase 3, to be effective Jul 2019, requires the use of nonlead ammunition to take any wildlife for any purpose in the State.

Effective in 2018, additional statutory changes from the passage of Proposition 63 (2016) and Senate Bill 1235 (Stats. 2016, Chap. 55) related to firearms and ammunition may further impact hunters trying to acquire nonlead ammunition as lead ammunition is phased out.

Today, FGC staff will lead an initial discussion about the recent changes and solicit input from stakeholders on ideas FGC could consider related to education and outreach on this topic.

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits (N/A)****Committee Direction/Recommendation (N/A)**

COMMITTEE STAFF SUMMARY FOR JANUARY 11, 2018

9. FUTURE AGENDA ITEMS**Today's Item**Information Direction

Review upcoming agenda items scheduled for the next and future WRC meetings, hear requests from DFW and interested stakeholders for future agenda items, and identify new items for consideration.

Summary of Previous/Future Actions

- | | |
|------------------------------------|--------------------------------------|
| • Today's discussion | Jan 11, 2018; WRC, Santa Rosa |
| • FGC approves WRC recommendations | Feb 7-8, 2018; Sacramento |
| • Next WRC meeting | May 17, 2018; WRC, Los Alamitos |

Background

Committee topics are referred by FGC and scheduled as appropriate. FGC-referred topics and the draft schedule are shown in Exhibit 1. WRC agendas currently include several complex and time-intensive topics. The committee has placed emphasis on issues of imminent regulatory importance, and thus consideration of new topics will require planning relative to existing committee workload.

WRC Work Plan and Draft Timeline

Agenda topics identified for the May 2018 WRC meeting include:

1. Agency updates
2. Annual regulations
 - Sport fishing
 - Mammal hunting
 - Waterfowl hunting
 - Central Valley salmon sport fishing
 - Klamath River Basin salmon sport fishing
3. Coastal streams flow regulations
4. Lead ban implementation

Discuss and Recommend New WRC Topics

No new topics are proposed at this time.

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

FGC staff: Review draft WRC work plan (Exhibit 1) and current rulemaking timetable (Exhibit 2), consider updates to scheduling of recommended projects, consider whether any potential new topics should be added to or replace existing topics, and decide whether to request FGC refer any new topics for Committee evaluation.

COMMITTEE STAFF SUMMARY FOR JANUARY 11, 2018

Exhibits

1. WRC 2017-18 work plan, updated Jan 2, 2018
2. *Perpetual Timetable for California Fish and Game Commission Anticipated Regulatory Actions*, updated Jan 2, 2018

Committee Direction/Recommendation (N/A)



2016-010

Tracking Number: (Click here to enter text.)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

- 1. Person or organization requesting the change (Required)**
Name of primary contact person: J.D. Mostoufi

- 2. Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: Fish and Game code sections 200, 202, 203, 355

- 3. Overview (Required)** - Summarize the proposed changes to regulations: I propose that hunters who apply for a sage grouse permit and are unsuccessful in the drawing be awarded a preference point similar to the CDFW Big Game Drawing, so that unsuccessful hunters will receive preference in future years over hunters who have recently drawn a sage grouse permits.

- 4. Rationale (Required)** - Describe the problem and the reason for the proposed change:
Currently, sage grouse permits are given away in a random fashion. If approximately 350 hunters put in for 30 sage grouse permits in the North Mono Zone, the odds of drawing a permit would be 1 in 11.67. If the CDFW switched over to a draw system similar to the big game drawing system, then hunters who have been unsuccessful in the sage grouse permit draw over the years would build up preference points which would help the unsuccessful hunter have a better chance at drawing a permit in future years. This system would be fair and equitable to all and it would not be difficult to accomplish, as hunters in California are already using this system to be awarded big game tags. Additionally, hunters are already using the Online Licensing system to apply for sage grouse permits; the change would only be to give unsuccessful applicants a better chance in the future to draw a permit. If approximately 350 hunters applied every year for sage grouse permits, then within 10-11 years, most if not all the applicants would have a chance to draw a sage grouse permit.



SECTION II: Optional Information

5. **Date of Petition:** June 6, 2016

6. **Category of Proposed Change**

Sport Fishing

Commercial Fishing

Hunting

Other, please specify: Click here to enter text.

7. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>*)

Amend Title 14 Section(s): Amend Title 14, FGC section 300

Add New Title 14 Section(s): Click here to enter text.

Repeal Title 14 Section(s): Click here to enter text.

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.

Or Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation.

If the proposed change requires immediate implementation, explain the nature of the emergency: I recommend that the desired changes be implemented immediately, as there is a meeting of the FGC on June 22,23 2016 and the next drawing period for sage grouse hunts in California would be in August 2016. The drawing could be accomplished without problem this year, as the preference points would not come into play in the drawing until August 2017, which would allow one year to make changes to track and implement a preference point system for sage grouse permits.

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Click here to enter text.

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: I do not foresee any economic impacts caused by the proposed change as it has no bearing on the number of permits that are issued or areas where sage grouse hunting is allowed.

12. **Forms:** If applicable, list any forms to be created, amended or repealed:

Click here to enter text.

SECTION 3: FGC Staff Only

Date received: Click here to enter text.

FGC staff action:

Accept - complete

Reject - incomplete



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

FGC 1 (NEW 10/23/14) Page 3 of 3

Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: June 14, 2016

Meeting date for FGC consideration: June 22-23, 2016

FGC action:

Denied by FGC

Denied - same as petition _____

Tracking Number

Granted for consideration of regulation change

RECEIVED
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COMMISSION
2016 JUN - 8 PM 1:55



Tracking Number: 2015-014

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Patrick Kallerman

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:

Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code

3. Overview (Required) - Summarize the proposed changes to regulations:

This proposal would amend subsections of Chapter 3, Article 3, Section 7.50(b) – Alphabetical List of Waters with Special Fishing Regulations – and subsections of Chapter 3, Article 4, Section 8.00(b) – Low-Flow Restrictions Mendocino, Sonoma, and Marin County coastal streams: Stream Closures: Special Low Flow Conditions – Title 14, California Code of Regulations.

Proposed **amendments to subsections of 7.50(b)** would apply to the following streams (north to south): Usal Creek, Cottaneva Creek, Ten Mile River, Noyo River, Big River, Albion River, Navarro River, Greenwood Creek, Elk Creek, Alder Creek, Brush Creek, Garcia River, Gualala River, Russian Gulch, Salmon Creek, Walker Creek, and Sonoma Creek.

For Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, except for the Russian River:

- Amend Section 7.50(b) to permit only artificial lures with barbless hooks to be used year-round.
- Amend Section 7.50(b) to close streams to all angling from April 1st through October 31st.



Proposed **amendments to subsections of 8.00(b)** are:

- Amend Section 8.00(b) to leave the Navarro River open to angling on the main stem below the confluence of the North Fork Navarro when the applicable designated gauging station is less than the minimum flows set forth.
- Amend Section 8.00(b) to leave the Garcia River open to angling on the main stem below the Highway 1 bridge when the applicable designated gauging station is less than the minimum flows set forth.
- Amend Section 8.00(b) to leave the Gualala River open to angling on the main stem below the confluence of the North Fork Gualala when the applicable designated gauging station is less than the minimum flows set forth.

4. Rationale (Required) - Describe the problem and the reason for the proposed change:

The problem – Many of the Central Coast streams described in the Overview section are considered ‘focus populations’ for the recovery of ESA-listed salmonids and merit improved protection as habitat and from angling practices and equipment that are statistically more harmful to fish. These rivers are managed as steelhead and coho streams. There are no hatchery fish added to these streams to support a put-and-take fishery.

However, several of these streams – the Gualala, the Garcia, and the Navarro in particular -- are legendary steelhead fisheries that have played a prominent role in the evolution of the culture and techniques of modern steelhead angling. Because these three streams are so important to anglers, the angling regulations for them deserve more consideration in terms of alternative strategies and language that will better protect salmon and steelhead through all of their freshwater life history phases while enhancing angling opportunity.

Currently, these streams remain open to angling from mid-Spring to mid-Fall. The result is that current angling regulations allow catch of salmonid smolts, juveniles, and kelts when they are at their most vulnerable. In addition, the lack of a provision regarding use of barbless hooks on these streams probably elevates catch rates and likely increases stress on salmonid populations throughout the year. Lastly, the current flow triggers for angling closures on these streams, while well-intentioned, lack scientific justification, are needlessly over-restrictive, and dramatically reduce many of the lowest-impact angling opportunities. A simple adjustment in the stream reaches that are open to angling when streamflows drop below the current flow trigger would provide strong protection for fish, preserve a greater variety of angling opportunity, and help reduce poaching and other illegal activities all along these rivers.

The solution – (1) Transition to allowing only artificial lures with barbless hooks for all angling on these waters. This is a simple and pragmatic step to reduce angling impacts regardless of preferred tackle type and spread the use of a limited resource across a greater number of anglers.

(2) Limit angling only to periods when fully mature adult fish are in these streams. A strategically limited angling season will reduce angling pressure when salmon and steelhead are most vulnerable while preserving more angling opportunity in the traditional winter run steelhead season.

(3) Adjust the current regulations to allow angling for steelhead throughout the tidally influenced reaches of the Gualala, Garcia, and Navarro rivers when streamflows drop below the current trigger for



the designated gauging stations. The reaches proposed here to remain open are predominately tidally affected and therefore have adequate volume and flow for fish passage throughout the season. They are also well below the well documented spawning habitat in these rivers.

SECTION II: Optional Information

5. **Date of Petition:** [Click here to enter text.](#)

6. **Category of Proposed Change**

- Sport Fishing
- Commercial Fishing
- Hunting
- Other, please specify: [Click here to enter text.](#)

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- Amend Title 14 Section(s): [Click here to enter text.](#)
- Add New Title 14 Section(s): [Click here to enter text.](#)
- Repeal Title 14 Section(s): [Click here to enter text.](#)

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency: [Click here to enter text.](#)

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Click here to enter text.](#)

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: [Click here to enter text.](#)

12. **Forms:** If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

RECEIVED
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 2015 DEC 15 AM 8:17



Tracking Number

Date petitioner was notified of receipt of petition and pending action: 12/15/15

Meeting date for FGC consideration: Feb 10-11, 2016

FGC action:

- Denied by FGC
- Denied - same as petition _____
Tracking Number
- Granted for consideration of regulation change



Tracking Number: 2015-015

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Fred Boniello

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Section 200, 202, 205, 215, 220, 240, 315, 316.5 of Fish & Game Code.

3. Overview (Required) - Summarize the proposed changes to regulations: 7.50b 155A Title 14 8.00b3 Title 14 North Coast Central District, Russian River to be open to sport fishing all year with a no minimum flow requirement. A no take "Catch and Release" of all migratory species including hatchery fish (if the C.D.F.W. would like). A year round restriction for the use of bait (artificial only permitted). The year round closure from the point of the C.D.F.W.'s Coho reestablishment monitoring project (near the confluence of Austin Creek) to the Pacific Ocean, as not to interfere with their efforts. All proposed changes to include current hook requirements, such as barbless and single.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: 8.00b3 Myself and other sport fishing anglers are not allowed to sport fish for any species from Oct. 1 to April 30th unless the river flow is at 3000 C.F.S or more, leaving us with no sport fishing for long periods on what we feel are our home waters (many of us being native to the area). With the vast majority of migrating species being hatchery fish coupled with changes proposed above (overview) and also the rights of others being able to use and enjoy the Russian River year round (kayaks, canoes, swimmers, dogs, special events, etc) adding all due respect to them, we feel somewhat left out of things we are interested in doing year round. It is important that the C.D.F.W. realize many of us have other interests (family, work, hobbies, to mention a few) and that many of us would not be able to sport fish at the same times. Adding (that with all due respect) the C.D.F.W. should not make that assumption.



SECTION II: Optional Information

5. **Date of Petition:** Dec. 16, 2015

6. **Category of Proposed Change**
 Sport Fishing
 Commercial Fishing
 Hunting
 Other, please specify: _____

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
 Amend Title 14 Section(s): 7.50, 8.00
 Add New Title 14 Section(s): _____
 Repeal Title 14 Section(s): _____

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** _____
 Or Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation.
 If the proposed change requires immediate implementation, explain the nature of the emergency: March 1, 2017, preferably earlier if possible. Perhaps through some sort of Public Notice (Local newspaper the Press Democrat) and/or revised issue of Regulations between current effective dates.

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Knowledge of the area (having lived in Santa Rosa, Ca. for over 50 years and sport fished the Russian River for over 35 years) respectively, in addition to signed proposal enclosed. Also see attached closing statement for regulation changes.

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: May have had and/or continue to have negative revenue impact on the above due to less travel and spending of visiting and local sport anglers during low flow closure period (listed in current regulations). Our proposal could only help to provide a more positive revenue impact listed in number 11 (economic or fiscal impacts:)

12. **Forms:** If applicable, list any forms to be created, amended or repealed: _____



SECTION 3: FGC Staff Only

Date received: 12/16/15

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Date petitioner was notified of receipt of petition and pending action: 12/18/15

Meeting date for FGC consideration: February 10-11, 2016

FGC action:

- Denied by FGC
- Denied - same as petition: _____
Tracking Number
- Granted for consideration of regulation change

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**California Fish and Game Commission
Wildlife Resources Committee**

Final Staff Report on the Predator Policy Workgroup

December 2017

Ongoing management of terrestrial predators—in particular, mesocarnivores such as coyotes—was identified as a priority focal area for the California Fish and Game Commission’s (Commission) Wildlife Resources Committee (WRC) at its first 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 terrestrial predator management. Over the next couple of years, WRC continued to discuss various aspects of predator management. However, limited Commission staff capacity and variable participation by key stakeholders hampered progress, leading to a WRC recommendation to appoint a balanced group of stakeholders to draft and vet policy and/or regulatory options for WRC and Commission consideration. The Commission adopted the WRC recommendation in August 2015.

In December 2015, the Commission appointed ten stakeholders, forming the Predator Policy Workgroup (Workgroup), to provide recommendations to WRC and the Commission on policy and regulatory options for managing predators. The Workgroup was comprised of three members representing agricultural interests, three members representing hunting interests, three members representing wildlife protection interests, and one carnivore ecologist. At its Feb 2016 meeting, the Commission directed the Workgroup to share draft products for review and comment with any individual requesting to participate as a reviewer. Appendix A includes a list of Workgroup members and a list of reviewers, as well as additional details about the process from June 2013 through September 2017.

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 for this evaluation. The Workgroup also included black bear, mountain lion, gray wolf, striped skunk, spotted skunk, and opossum as secondary focal species to help ensure consideration of the broader predator community as changes to policy or regulations were developed.

This staff report provides an overview of the formation of the Workgroup and its structure, the project scope and objectives, a draft terrestrial predator policy, and potential regulatory changes. Materials, summaries, and audio-recordings from the WRC and Workgroup meetings are available on the Commission’s website at www.fgc.ca.gov/meetings.

Workgroup Structure and Functioning

Between February 2016 and July 2017, the Workgroup met to develop a terrestrial predator policy and consider regulatory options; the workgroup had support from Commission staff and California Department of Fish and Wildlife (DFW) staff, as well as input from a reviewer group and the general public. As a formally appointed body of the Commission, the Workgroup complied with the Bagley-Keene Open Meeting Act and all meetings were open to the public.

The Workgroup adopted ground rules and guiding principles and established a process for coordinating with reviewers. The Workgroup determined it would strive for decision-making under consensus; if consensus were not possible, it would make recommendations by simple majority and include minority recommendations.

Participant roles and responsibilities included:

- Workgroup – draft concepts and recommendations for consideration by WRC and the Commission.
- Reviewers – provide constructive feedback and input to the Workgroup.
- Public – provide constructive feedback and input to the Workgroup
- California Department of Fish and Wildlife staff – provide input on science, management practices, and enforcement.
- Commission staff – provide facilitation, meeting support and guidance on regulations.

Project Work Plan

As one of its first tasks, the Workgroup developed a work plan outlining the project scope, objectives and tasks, and a timeline (Appendix B), which WRC recommended and the Commission approved. 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 objectives 3 and 4, though initial efforts were made and are described in the section titled, “Proposals for Regulation Change.”

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, Title 14, California Code of Regulations (CCR), 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 Title 14, CCR 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 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 WRC in the fall of 2017. The Workgroup ultimately requested an extension to January 2018, which was granted with specific conditions, but the Workgroup was unable to establish a quorum to meet and complete its work under the established conditions; as a result, staff prepared this report using products developed by the Workgroup through the fall of 2017.

Terrestrial Predator Policy

The Workgroup developed a draft terrestrial predator policy for consideration and possible adoption by the Commission. The draft 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 such as public health and safety and economic stability. The text of the draft policy is shown in italics.

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*

¹ Note: The Workgroup added the term "set forth" to the draft policy during development of the final report.

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 draft policy, but 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—oppose including the word “humane,” due to how it may be interpreted and potentially used to eliminate certain management tools. The majority noted that, while the word “humane” is used in some regulations, it is not defined in regulation; the majority is concerned that the word is a highly subjective term compared to other terms in the policy, and that it would be 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” in conjunction with the last sentence of the section 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 recommend including 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 - 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, CCR, and therefore is appropriate to use to describe take methods in the Commission’s predator policy. Examples of where “humane” is used include Fish and Game Code sections 4181, 4181.5, and 3307, and Section 401, Title 14, CCR. Further, the minority strongly opposes including 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 is opposed 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” rather than the indiscriminate take of predators.

In addition, the 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, the minority also recommends modifying the last sentence of Section II to include the term "ecosystems" for consistency within the policy.

Proposals for Regulation Change (Appendices C and D)

During this process, the Workgroup members individually completed an exercise (Appendix C) to draft revisions to existing predator-related regulations as an initial effort to identify and prioritize which to propose for revision. Through this exercise, the Workgroup members identified dozens of suggested recommendations for regulatory change representing the broad differences and priorities among the Workgroup members. Following the exercise and initial discussions, the Workgroup decided to categorize the proposed changes by type of change to identify where consensus among Workgroup members was more likely (Appendix D). Commission staff categorized the proposed changes from the original exercise by structural, biological, and moral/ethical changes. For regulation sections where proposals varied significantly, staff created a separate category for further discussion. The Workgroup then identified a process for reviewing the proposals and selected four relatively straightforward proposals as a starting point to evaluate how the Workgroup could work together to vet proposals.

Due to the project timeline, the Workgroup did not complete the selection and evaluation of a complete suite of recommended proposals as originally proposed in the work plan. However, at its last meeting, the Workgroup initiated discussion of three proposals along with several other proposed regulation changes. Since the proposals represented 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. Given the time constraints, the Workgroup was unable to fully vet these proposals; additional vetting is necessary to address concerns raised during the discussion.

Summarized here is each proposal discussed that had at least majority support for further consideration. Additional information, for all the proposals discussed in July 2017, is available in the meeting materials, summary, and audio recording.

- **Proposal 1:** Modify Subsection 401(a), Title 14, CCR, to establish a time limit (72 hours) for DFW to issue depredation permits. The intent of the proposed change is to shorten the time between a depredation event and the issuance of a depredation permit to increase the likelihood of targeting the offending animal and reduce potential for further damage. Since this proposal would allow for the self-issuance of permits if DFW does not respond within the time limit, concerns were raised about the response time,

tracking of permits, permit length, and number of animals taken. However, the Workgroup reached consensus on the broad concept.

- **Proposal 2:** Modify Section 460, Title 14, CCR, to clarify what type of take is allowed for fisher, marten, river otter, desert kit fox, and red fox. The current language in Section 460 prohibits the take of these species for any purpose. The proposed change is intended to clarify that take is allowed for animals that are injuring property, consistent with Fish and Game Code Section 4180, but not for recreation or commerce in fur. The Workgroup also discussed whether to allow for take of native Sacramento Valley and non-native red fox for recreation. Some Workgroup members supported allowing take of both, while other members only supported the take of non-native red fox, and one member opposed take of any red fox for recreation. A majority of the Workgroup supported the broad concept with the change to allow take of non-native red fox for recreation.
- **Proposal 3:** Create a new section in Title 14, CCR, to establish a season, bag limit and possession limit for the recreational take of non-native red fox. If Section 460 is modified as proposed under Proposal 2, it would allow for the recreational take of non-native red fox populations. Currently, recreational take is prohibited, so this proposal is intended to create new regulations to establish the season, bag and possession limits. As with Proposal 2, a majority of the Workgroup supported the broad concept being proposed.
- **Proposal 4:** This proposal consists of two sub-proposals: Sub-proposal (1) The reorganization and minor text revisions to improve the clarity of Title 14, 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. Note: During the Workgroup exercise, individual members identified a wide variety of proposed changes to this section. Due to time constraints, only these two proposed changes underwent initial vetting. Additional discussions are necessary to fully vet this regulation section.
 - *Sub-proposal 1:* Section 465.5 governs the use of traps for the take of mammals for recreation, commerce in fur, and depredation; however, 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. The Workgroup reached consensus on the broad concept as proposed.
 - *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. Since the adoption of the regulation, the U.S. Department of Agriculture has developed a leg snare with an adjustable pan-tension device, based on weight, to avoid non-target species. This sub-proposal would allow for the use of this pan-tension device within the San Joaquin kit fox zone. A majority of the Workgroup supported the broad concept; however, concerns were raised that necessitate further vetting.
- **Proposal 5:** Modify Title 14 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. These species have similar but slightly different season dates, which can create confusion for hunters. 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. A majority of the Workgroup supported the broad concept proposed.

It is important to note that these proposals only represent a small subset of the regulation changes proposed by Workgroup members and should not be viewed as a comprehensive picture of proposals from the Workgroup or reflective of the priorities of Workgroup members. Additional work is needed to complete a full evaluation and prioritization of the numerous proposals identified during this process.

Final Note from the Workgroup

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.

Appendix A: Workgroup Members, Reviewers and Project Timeline

Workgroup Members

- Josh Brones, Sportmen's Alliance / Al 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

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

Project Timeline and Activities

- 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 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 WRC proposal.
- August 2015 – FGC meeting; staff presented draft proposal for the Predator Policy Workgroup, including structural and functional recommendations and an appointment process to establish 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 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 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 WRC in the fall.
- May 2017 – WRC meeting; WRC requested feedback from the Workgroup on where there is consensus on the policy and asked 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.
- September 2017 – WRC meeting; WRC approved an extension to January 2018 to provide the Workgroup additional time to complete its final report.

Appendix B: Predator Policy Workgroup Work Plan

The Predator Policy Workgroup (Workgroup) is a body of the Wildlife Resources Committee (WRC), which was formed to allow greater time to investigate predator management policy issues in more detail than would otherwise be possible before the WRC. The Workgroup is comprised of ten member appointed by the Fish and Game Commission (Commission). The Workgroup is charged with providing input, developing ideas, and preparing recommendations concerning predator management policy and regulations in California.

To assist with the preparation of the report the Workgroup is proposing the following work plan, which outlines the project scope, objectives and tasks, and timeline for this project. As the report is being drafted, the Workgroup will solicit input, guidance, support, and review from project reviewers, interested stakeholders, and Department staff. This proposed work plan is being presented to the WRC for consideration and possible recommendation to the Commission.

WORK PLAN

Project scope

Purpose: 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.

Breadth:

- **Species** - Priority focus species include coyote, bobcat, badger, gray fox, mink, raccoon, short-tailed weasel, and long-tailed weasel. Black bear, mountain lion, gray wolf, striped skunk, spotted skunk, and opossum are included as secondary focus species.
- **Level of Governance** - Project will focus on predator management as it relates to state-level governance including Commission policy, California Code of Regulations (CCR) Title 14, and relevant State statutes.

Deliverable: A report with the Workgroup's recommendations for predator management policy and regulatory proposals for consideration by the WRC.

Project Objectives and Tasks

Objective 1: Review existing predator policies and regulations

- Task 1: Compile summary of relevant, existing California predator management policies and regulations
- Task 2: Research and compile predator management policies and regulations used in other states, at federal level, at local level, or countries/provinces and other management practices
- Task 3: Identify what predator management issue(s) are not adequately addressed under existing policies and regulations

Objective 2: Develop proposed Commission Predator Management Policy

- Task 1: Based on findings from Objective 1, identify key elements to include in a draft predator management policy
- Task 2: Develop draft policy for review and full discussion
- Task 3: Prepare final draft policy for initial review and full discussion by Wildlife Resources Committee (WRC)
- Task 4: Prepare final recommended policy for consideration and possible recommendation by the WRC to the Commission

Objective 3: Develop CCR Title 14 regulatory proposals

- Task 1: Based on findings from Objective 1, identify which existing regulations may be in need of revision
- Task 2: Based on findings from Objective 1, identify issues that would need to be addressed through new regulations
- Task 3: Fully vet the regulations identified under Task 1 to determine which to propose for revision
- Task 4: Fully vet possible new regulations identified under Task 2 to determine which to propose for drafting
- Task 5: Draft proposed revisions to language in existing regulations identified under Task 3 for review and full discussion
- Task 6: Draft proposal for new regulations identified under Task 4 for review and full discussion
- Task 7: Review and revise Tasks 5 and 6 for consistency with draft policy
- Task 8: Based on outcomes from Task 7, develop draft regulatory proposal for initial review and full discussion by WRC
- Task 9: Prepare final regulatory proposal for consideration and possible recommendation by the WRC to the Commission

Objective 4: Prepare summary of proposed statutory changes (Fish & Game Code)

- Task 1: Compile summary of existing, relevant statutes
- Task 2: Evaluate statutes identified in Task 1 for consistency with draft policy and regulatory proposals (Objectives 2 and 3)
- Task 3: Identify if and where statutory changes are needed for alignment with draft policy and regulatory proposals
- Task 4: Draft summary of proposed statutory changes for review and discussion
- Task 5: Revise summary and present to WRC for initial review and discussion
- Task 6: Prepare final summary for consideration and possible recommendation by the WRC to the Commission

Project Timeline

Objective 1: Review existing predator management policies and regulations

- Task 1: Jun 2016
- Task 2: Jun 2016
- Task 3: Jul 2016

Objective 2: Develop draft Commission predator management policy

- Task 1: Jul 2016
- Task 2: Jul-Aug 2016
- Task 3: Aug-Sep 2016 (WRC)
- Task 4: May-Jun 2017 (Commission)

Objective 3: Develop draft CCR Title 14 regulatory proposals

- Task 1: Aug 2016
- Task 2: Aug 2016
- Task 3: Sep 2016
- Task 4: Sep 2016
- Task 5: Oct-Nov 2016
- Task 6: Oct-Nov 2016
- Task 7: Nov 2016
- Task 8: Dec 2016-Jan 2017(WRC)
- Task 9: May-Jun 2017(Commission)

Objective 4: Prepare summary of proposed statutory change recommendations

- Task 1: Oct-Nov 2016
- Task 2: Dec 2016-Jan 2017
- Task 3: Jan-Feb 2017
- Task 4: Feb-Apr 2017
- Task 5: Apr-May 2017 (WRC)
- Task 6: May-Jun 2017 (Commission)

Appendix C: Workgroup Terrestrial Predator Review Exercise

**Fish and Game Commission
Predator Policy Workgroup
Predator Regulations Review Exercise
July 21, 2016**

Comments submitted by Tony Linegar, dated 09/05/16					
				Is Change Consistent with Existing Fish & Game Code?	
Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training		The use of dogs in depredation control is a critical tool for county and federal wildlife specialists. Proper training of dogs used for this purpose involves pursuit of wildlife as appropriate. Resource agencies and landowners alike have benefitted from trained dogs used by trained wildlife specialists in situations that involve depredation.			
365 - Bear					
366 - Archery Bear Hunting					
401 - Issuance of Permit to Take Animals Causing Damage	(1) Remove "immediately"2) Insert: Department shall respond to all applications within 72 hours after receipt. Failure to respond shall automatically be deemed to be acceptance and issuance of the requested permit.	Failure to be issued a depredation permit in a timely manner has increased property damage and depredation and made it difficult for county and federal wildlife specialists to coordinate an effective and timely response.	Protecting crops, livestock, property from damaging wildlife		
402 - Issuance of Permit to Kill Mountain Lion Causing Damage					
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox					
461 - Badger and Gray Fox					
462 - Muskrat and Mink					
464 - Raccoon					
465 - General Provisions for Taking Furbearers		Allow for take in cases of depredation	Protecting crops, livestock, property from damaging wildlife		
465.5 Use of Traps					
466 - Hours of Taking Furbearers					
472 - General Provisions (nongame)			Protecting crops, livestock, property from damaging wildlife		
474 - Hours for Taking					

Comments submitted by Tony Linegar, dated 09/05/16				
475 - Methods of Take for Nongame Birds and Nongame Mammals				
478 - Bobcat				
478.1 - Bobcat Hunting Tags				

Fish and Game Commission
 Predator Policy Workgroup
 Predator Regulations Review Exercise
 July 21, 2016

Comments submitted by Bill Gaines, dated 09/02/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals	NO CHANGE				
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training	Amend 265(b)(6)(c) as follows: (C) Prohibition on Possession of Equipment. <u>Except as provided in subsection (1), No</u> no firearm, archery gear, crossbow or other instrument capable of killing, injuring or capturing any animal may be possessed by any person training dogs during the seasons described in subsection 265(b)(6)(F) below. <u>Except as provided in subsection (1), Possession possession</u> of a firearm, archery gear, crossbow or other instrument capable of killing or capturing any animal is prohibited while training dogs, but such equipment may be transported to or from a campsite, transported to or from a residence or lawfully possessed by a person at a campsite provided all dogs are secured and under the control of the owner, agent or person training or transporting said dogs. <u>(1) Nothing in this section shall prohibit the lawful possession of a concealed firearm by an active peace officer listed in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code or a retired peace officer in lawful possession of an identification certificate issued pursuant to Penal Code Section 25455 authorizing the retired officer to carry a concealed firearm. Nor shall this section prohibit the lawful possession of a concealed firearm pursuant to a concealed carry permit issued pursuant to Penal Code Section 26150 or 26155.</u>				
365 - Bear	NO CHANGE				
366 - Archery Bear Hunting	NO CHANGE				
401 - Issuance of Permit to Take Animals Causing Damage	NO CHANGE				
402 - Issuance of Permit to Kill Mountain Lion Causing Damage	NO CHANGE				
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox	Amend 460 to read as follows: Fisher, marten, river otter, desert kit fox and red fox may not be taken at any time. <u>Red fox may only be taken in the Central Valley west of highway 99.</u>				
461 - Badger and Gray Fox	Amend both 461(a)(1) and 461(b)(1) as follows: (1) Season and Area: November 16 <u>The second Saturday of November</u> through the last day of February, statewide.				
462 - Muskrat and Mink	NO CHANGE				
464 - Raccoon	Amend 464(a)(2) as follows: (2) November 16 <u>The second Saturday of November</u> through March 31 in the balance of the state. Amend 464(c)(1) as follows: (1) When taking raccoon after dark, pistols and rifles not larger than .22 <u>.223</u> caliber rimfire and shotguns using shot no larger than No. BB are the only firearms which may be used during this night period.				
465 - General Provisions for Taking Furbearers	NO CHANGE				

Comments submitted by Bill Gaines, dated 09/02/16

465.5 Use of Traps	NO CHANGE				
466 - Hours of Taking Furbearers	NO CHANGE				
472 - General Provisions (nongame)	Amend 472(a) as follows: (a) The following nongame birds and mammals may be taken at any time of the year and in any number except as prohibited in Chapter 6: English sparrow, starling, coyote, weasels, skunks, opossum, moles, red fox (<u>west of highway 99 only</u>) and rodents (excluding tree and flying squirrels, and those listed as furbearers, endangered or threatened species).				
474 - Hours for Taking	NO CHANGE				
475 - Methods of Take for Nongame Birds and Nongame Mammals	Amend 475(b) as follows: (b) Recorded or electrically amplified bird or mammal calls or sounds or recorded or electrically amplified imitations of bird or mammal calls or sounds may not be used to take any nongame bird or nongame mammal except coyotes, bobcats, <u>badger, gray fox, mink, opossum, raccoon, skunk, weasel, American crows and starlings.</u>				
478 - Bobcat	NO CHANGE				
478.1 - Bobcat Hunting Tags	NO CHANGE				

Fish and Game Commission
 Predator Policy Workgroup
 Predator Regulations Review Exercise
 July 21, 2016

Comments submitted by Noelle Cremers, dated 08/22/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training					
365 - Bear					
366 - Archery Bear Hunting					
401 - Issuance of Permit to Take Animals Causing Damage	1) Add language at the end of subsection (a) stating, "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 issued." 2) Add a new subsection (j) stating: "Take of Bears Damaging or Threatening to Damage Bee Hives. When issuing a permit authorizing take of bears that have damaged or are threatening to damage bee hives, the department shall consider the feasibility of methods to prevent damage and deter future damage. Fencing shall not be required in instances where installation is infeasible."			Yes	
402 - Issuance of Permit to Kill Mountain Lion Causing Damage					
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox	Add language so that the regulation reads: "Fisher, marten, river otter, desert kit fox and red fox may not be taken <i>for the purpose of recreation or commerce in fur</i> at any time."		The additional language allows the take of those species except for recreational or commercial trapping. This language appears to get back to the original intent of the regulation without creating defacto fully protected species. This clarification would be helpful when these species injure or kill livestock or poultry.	Yes	
461 - Badger and Gray Fox					
462 - Muskrat and Mink					
464 - Raccoon					
465 - General Provisions for Taking Furbearers					

Comments submitted by Noelle Cremers, dated 08/22/16

465.5 Use of Traps	Add language in subsection (g)(5) to clarify that neck snares are prohibited. The new language would read: "(5) Zones Prohibited to the Use of Conibear-type Traps and Neck Snares. Conibear-type traps and neck snares, except those totally submerged, and deadfall traps are prohibited in the following zones..."		This prohibition was put in place to prevent unintended catch of listed canid species when setting traps for coyotes suspected of injuring, damaging, or killing livestock or property. However, non-lethal traps have been designed since the adoption of this regulation to prevent smaller canids from being trapped. Allowing the use of these new traps would allow more tools to address damage and loss to farmers and ranchers, particularly in the Central Valley.	Yes	
466 - Hours of Taking Furbearers					
472 - General Provisions (nongame)					
474 - Hours for Taking					
475 - Methods of Take for Nongame Birds and Nongame Mammals					
478 - Bobcat	Add language in subsection (c) to clarify the allowance of trapping for depredation. Language to the effect of, "except as authorized in Section 401" should be added.		Fish and Game Code Section 4155(c) authorizes bobcat trapping when they are injuring crops or property. Regulations adopted by the Fish and Game Commission (Title 14 Section 401) authorizes trapping bobcats pursuant to a depredation permit or when found in the act of injuring or killing livestock. These allowances should be incorporated into Section 478.	Yes, Existing regulation is not consistent with current statute. This change would bring regulation into compliance with the statute.	See FGC Section 4155(c)
478.1 - Bobcat Hunting Tags					

Fish and Game Commission
 Predator Policy Workgroup
 Predator Regulations Review Exercise
 July 21, 2016
 California Wool Growers Assn. Comments

Comments submitted by Erica Sanko, dated 09/30/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training		County & federal trappers use dogs to pursue fox/raccoons to keep their dogs trained & in shape for human health & safety response. Without this tool, the effectiveness of these hounds would be diminished. Ranchers rely on government trappers to assist in tracking depredating wildlife to protect their ranches & property.			
365 - Bear					
366 - Archery Bear Hunting					
401 - Issuance of Permit to Take Animals Causing Damage	(1) immediately (2) Insert <u>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 issued.</u>	DFW should issue permits in a timely manner to ensure damage/losses to property do not continue and/or worsen. DFW should be able to issue permits if historical data supports certain species have previously caused damage in an area & a current animal is exhibiting behaviors that will result in property damage/losses.	Managing damaging animals & protecting property.	Yes - Consistent with FGC Section 4181	
402 - Issuance of Permit to Kill Mountain Lion Causing					
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox	Fisher, marten, river otter, desert kit fox and red fox may not be taken <u>for the purpose of recreation or commerce in fur</u> at any time.	Ensure Fisher, marten, river otter, desert kit fox and red fox are fully protected.			
461 - Badger and Gray Fox					
462 - Muskrat and Mink					
464 - Raccoon					
465 - General Provisions for Taking Furbearers		Should allow for take at any time when fur-bearing mammals are threatening to injure property.	Managing damaging animals & protecting property.		
465.5 Use of Traps	Insert 463(a) where the take of beaver is permitted. (5) Zones Prohibited to the Use of Conibear-type Traps and <u>Neck</u> Snares. Conibear-type traps and <u>neck</u> snares, except those totally submerged, and deadfall traps are prohibited in the following zones (see CCR for full list)	Clarifies the allowance of neck snares for trapping purposes.			
466 - Hours of Taking					
472 - General Provisions (nongame)					
474 - Hours for Taking					
475 - Methods of Take for Nongame Birds and Nongame Mammals		Electronic callers are utilized to address many depredation issues.			
478 - Bobcat	Need to reference Section 401 in 478(c)	Consistent with current regulation for exceptions for depredation purposes.	Managing damaging animals & protecting property.	Yes - FGC Section 4155(c).	
478.1 - Bobcat Hunting Tags					

Fish and Game Commission
 Predator Policy Workgroup
 Predator Regulations Review Exercise
 July 21, 2016

Comments submitted by Josh Brones, dated 9/2/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training	Allow use of dogs on private property during archery seasons; eliminate 1 dog/hunter limit during general deer season when using dogs between 1/2 hour after sunset and 1/2 hour before sunrise; eliminate 1 dog/hunter limit during general deer season when using dogs on private property for species other than deer (prima facie as not having deer tag and/or weapon capable of taking deer); modify (b)(6)(c) to explicitly allow exemptions for current and retired peace officers and CCW permit holders; modify (b)(6)(F)(1) and (2) to account for proposed new seasons				
365 - Bear	No change				
366 - Archery Bear Hunting	Allow use of dogs on private property during archery bear season				
401 - Issuance of Permit to Take Animals Causing Damage	Modify (b)(3) to read, "not to exceed 60 consecutive days" so as to align with (b)(2)				
402 - Issuance of Permit to Kill Mountain Lion Causing	No change				
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox	amend language to read, "...Desert Kit Fox and Sierra Nevada Red Fox."				
461 - Badger and Gray Fox	Modify (a)(1) to be second Saturday of November to last day of February, statewide; remove language regarding take of Gray Fox (see 464); add language regarding take of Mink and modify Season to be second Saturday of November to last day of February, statewide.				
462 - Muskrat and Mink	Remove language regarding take of Mink (see 461); remove language regarding take of Muskrat (and move to 463 - Beaver)				
464 - Raccoon	Modify (b)(1) to be second Saturday of November to last day of February, statewide; modify ©(1) to allow for rifles not larger than .223 caliber; move language regarding take of Gray Fox and modify Season to be second Saturday in November to last day of February, statewide; add language regarding take of Gray Fox to align with (c)(1) caliber limitations for raccoon after dark				
465 - General Provisions for Taking Furbearers	No change				
465.5 Use of Traps	No change				
466 - Hours of Taking Furbearers					
472 - General Provisions (nongame)	Add language identifying introduced red fox to (a); add language allowing take of introduced red fox west of Interstate 5 from California-Oregon border to it's convergence with California State Route 99 to its intersection with California State Route 58 and south of California State Route 58 to its intersection with Interstate 15 to the California-Nevada border.				
474 - Hours for Taking	No change				

Comments submitted by Josh Brones, dated 9/2/16

475 - Methods of Take for Nongame Birds and Nongame Mammals	Modify (b) to include badger, gray fox, mink, opossum, raccoon, skunk, and weasel				
478 - Bobcat	Modify (b) to be from second Saturday of November to the last day of February, statewide				
478.1 - Bobcat Hunting Tags	No change				

Fish and Game Commission
 Predator Policy Workgroup
 Predator Regulations Review Exercise
 July 21, 2016

Comments submitted by Mark Hennelly, dated 09/02/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training					
365 - Bear					
366 - Archery Bear Hunting					
401 - Issuance of Permit to Take Animals Causing Damage					
402 - Issuance of Permit to Kill Mountain Lion Causing Damage					
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox	Revise prohibition on red fox take to only include the Sierra Nevada red fox. Include areas west of Highway 99 to allow the take of non-native red fox.				
461 - Badger and Gray Fox					
462 - Muskrat and Mink					
464 - Raccoon					
465 - General Provisions for Taking Furbearers					
465.5 Use of Traps	Delete the requirement that killing an animal by firearm must be permitted by local ordinance. Add requirement that killing an animal with firearm must be consistent with state firearm safety laws, including those relating to discharging firearms near occupied buildings and public roadways (Section 3004 (a) and (b) of the Fish and Game Code) and discharging firearms in a grossly negligent manner (Section 246.3 (a) of the Penal Code).				
466 - Hours of Taking Furbearers					
472 - General Provisions (nongame)					
474 - Hours for Taking					
475 - Methods of Take for Nongame Birds and Nongame Mammals					
478 - Bobcat					
478.1 - Bobcat Hunting Tags					

Fish and Game Commission
 Predator Policy Workgroup
 Predator Regulations Review Exercise
 July 21, 2016

Comments submitted by Rebecca Dmytryk, dated 09/04/16

				Is Change Consistent with Existing Fish & Game Code?	
Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training	<p>(a) Prohibitions on the Use of dogs. The use of dogs for the pursuit/take of mammals or for dog training is prohibited as follows: (1) The use of dogs is prohibited during the archery seasons for deer or bear. (1) The use of dogs is prohibited for the take of deer, bear, bobcat, elk, bighorn sheep and antelope. (2) Mountain lions may not be pursued with dogs except under the provisions of a depredation permit issued pursuant to Section 4803 of the Fish and Game Code. Bear or bobcat may not be pursued with dogs except under the provisions of a permit issued pursuant to sections 3960.2 or 3960.4 of the Fish and Game Code. Dog training on mountain lions is prohibited.</p> <p>(6) (F) Seasons.</p> <p>1. Gray Fox. Dogs may be trained on gray fox from March 1 September 1 through the day preceding the opening of the general gray fox season (November 24 through the last day of February, statewide.), except for closures and restrictions described in subsections 265(a) and (b).</p> <p>2. Raccoon. Dogs may be trained on raccoon from April 1 September 1 through the day preceding the opening of the general raccoon season (July 1 through March 31 in restricted area and November 16 through March 31 in the balance of the state), except for closures and restrictions described in subsections 265(a) and (b).</p> <p>3. Other Mammals. Except for closures and prohibitions described in this Section 265 and sections 3960 and 4800 of the Fish and Game Code, dogs may be trained on mammals other than gray fox and raccoon at any time.</p>	<p>Remove bear from (1).</p> <p>Gray fox and raccoons - CA gray fox breeding season extends from January to May with peak in March. Gestation up to 63 days. Kits born as late as July. Add dependency period - a minimum of 12 weeks. Raccoons in CA are born March - May, typically. Add dependency period of minimum 18 weeks.</p> <p>Non-native red fox?</p> <p>Deer? Are deer allowed to be trained on or taken by dogs? If so, I would request deer be added to (a)(2). Chase can cause</p> <p>If take or training w/dogs on deer is allowed, then it conflicts with 3960.</p> <p>(a) As used in this section:</p> <p>(1) "Pursue" means pursue, run, or chase.</p> <p>(2) "Bear" means any black bear (<i>Ursus americanus</i>) found in the wild in this state.</p> <p>(b) It is unlawful to permit or allow any dog to pursue any big game mammal during the closed season on that mammal, to pursue any fully protected, rare, or endangered mammal at any time, to pursue any bear or bobcat at any time, or to pursue any mammal in a game refuge or ecological reserve if hunting within that refuge or ecological reserve is unlawful.</p>			
365 - Bear	NO COMMENT	NO COMMENT			
366 - Archery Bear Hunting	NO COMMENT	NO COMMENT			

Comments submitted by Rebecca Dmytryk, dated 09/04/16				
<p>401 - Issuance of Permit to Take Animals Causing Damage*</p> <p>*Staff merged content with adjacent column due to cell size limitation. No content removed.</p>	<p>§401. Issuance of Permit to Take Animals Causing Damage. (a) Application. A person who is a property owner or tenant may apply to the department for a permit to take elk, bear, beaver, bobcat, fox, wild pigs, deer, wild turkeys, or gray squirrels that are damaging or destroying, or immediately threatening to damage or destroy, causing damage to land or property with a fair market value of \$500.00 or more. A fox or 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. (b) Permit Period. (1) Permits issued pursuant to this section for beaver, wild pigs, or gray squirrels shall be valid for a period not to exceed one year. (2) Permits issued pursuant to this section for bobcat, elk, bear, wild turkey, or deer shall be valid for a period not to exceed 60 consecutive days. (3) (2) Permits issued pursuant to this section for bear or bobcat authorizing the use of not more than three dogs shall be valid for a period not to exceed 20 consecutive days. (4) (3) Permits may be renewed if damage or threatened damage to land or property continues to exist. (more)... (E) A full description, including estimated fair market value, of the land or property damaged, or destroyed, or immediately threatened, and the date the damage or threat occurred. (F) The species suspected of damaging, or destroying, or threatening land or property, and the method of identifying the species. (G) A description of all non-lethal or less-lethal measures undertaken to prevent damage caused by animals prior to requesting the permit. (H) A description of corrective actions that will be implemented to prevent future occurrence of the damage. (I) The proposed method of take (more)... (g) Reports Required. (1) Holders of permits authorizing take of animals causing damage wild pigs shall provide a report listing the date and sex of each wild pig animal taken. A report shall be submitted whether or not any animals were taken. The reporting period shall be by calendar month. The permittee or designated agent shall complete and submit the report to the department on or before the 15th day of the following month. Reports shall be submitted to the address provided by the department.</p>			
<p>402 - Issuance of Permit to Kill Mountain Lion Causing Damage**</p> <p>**Staff created second row to accommodate text that exceeded maximum row size (see below). No content removed.</p>	<p>(a) Revocable permits may be issued by the department after receiving a report, from any owner or tenant or agent for them, of property with a fair market value or base value of \$1,000.00 or more being damaged or destroyed by mountain lion. The department shall conduct and complete an investigation within 48 hours of receiving such a report. Any mountain lion that is encountered in the act of inflicting injury to, molesting or killing livestock or domestic animals may be taken immediately if the taking is reported within 24 72 hours to the department and the property and carcass is shall be made available to the department for investigation. Whenever immediate action will assist in the pursuit of the particular mountain lion believed to be responsible for damage to livestock or domestic animals, the department may orally authorize the pursuit and take of a mountain lion. The department shall investigate such incidents and, upon a finding that the requirements of this regulation have been met, issue a free permit for depredation purposes, and carcass tag to the person taking such mountain lion.</p>	<p>I have heard it expressed that there should be a certain monetary value of loss before a depredation permit is issued - as it stands, someone can lose one free-range chicken and be issued a mountain lion depredation permit. Mountain lions are valued. I have also heard that ranchers/farmers consider depredation permits part of their livestock management practices - knowing they can rely on a permit if they suffer any degree of loss.</p> <p>Code 4181. and 4181.1 allows for take of bear causing damage but requires take be reported w/in 24 hours. Also, it requires an explanation of (1) Why the issuance of the permit was necessary, (2) What efforts were made to solve the problem without killing the bears. (3) What corrective actions should be implemented to prevent reoccurrence. It seems appropriate that these requirements be extended to the mountain lion and other predators.</p> <p>I would like to see similar requirements for all depredation permits:</p> <p>(d) With respect to elk, the following procedures shall apply: (1) Prior to issuing a depredation permit pursuant to subdivision (a), the department shall do all of the following: (A) Verify the actual or immediately threatened damage or destruction. (B) Provide a written summary of corrective measures necessary to immediately alleviate the problem. (E) Work with affected landowners to develop measures to achieve long-term resolution, while maintaining viability of the herd.</p>		

Comments submitted by Rebecca Dmytryk, dated 09/04/16					
402 - continued	<p>(b) Required Information and Conditions of Permit. (1) The department shall collect the following information before issuing a depredation permit: (A) The name, mailing address, and contact information of the property owner, or tenant if applicable, including telephone and email. If the owner is a business entity, contact information for the person acting on behalf of the business. (B) The name, mailing address, and contact information of any agent acting on behalf of the tenant or property owner, including telephone and email. (C) The county and address of the location of the damage caused by depredation, or the nearest landmark or cross streets. (D) A full description of the land or property damaged or destroyed. (E) A description of all non-lethal or less-lethal measures undertaken to prevent damage or loss by mountain lion prior to requesting the permit. (F) A description of corrective actions that will be implemented to prevent future damage or loss by mountain lion. (c) Methods of Take (1) Permittee and/or agent may take mountain lion in the manner specified in the permit, except that no mountain lion shall be taken by means of poison, leg-hold or metal-jawed traps and or snares. The department may specify the caliber and type of firearm and ammunition to be used based upon safety considerations. (2) The permittee and/or agent shall ensure that all animals are killed in a humane manner instantly and prevent any injured animal from escaping. The permittee and/or agent may not begin pursuit of a lion more than one mile nor continue pursuit beyond a 10-mile radius from the location of the reported damage. (d) Both males and females may be taken during the period of the permit irrespective of hours or seasons. (e) The privilege granted in the permit may not be transferred, and only entitles the permittee or the employee or agent of the permittee to take mountain lion. Such person must be 21 years of age or over and eligible to purchase a California hunting license. (f) Any person issued a permit pursuant to this section shall immediately report by telephone within 24 hours the capturing, injuring or killing of any mountain lion to an office of the department or, if telephoning is not practical, in writing within five days after capturing, injuring or killing of the mountain lion. Any mountain lion killed under the permit must be tagged with the special tag furnished with the permit; both tags must be completely filled out and the duplicate mailed to the Department of Fish and Game, Sacramento, within 5 days after taking any mountain lion. (g) The entire carcass shall be transported within 5 days to a location agreed upon between the issuing officer and the permittee, but in no case will a permittee be required to deliver a carcass beyond the limits of his property unless he is willing to do so. The carcasses of mountain lions taken pursuant to this regulation shall become the property of the state. (h) Animals shall be taken in a humane manner so as to prevent any undue suffering to the animals. (restated above) (i) The permittee shall take every reasonable precaution to prevent the carcass from spoiling until disposed of in the manner agreed upon under subsection (f) of these regulations. (j) The permit does not invalidate any city, county, or state firearm regulation. (k) Permit Period. Permits shall be issued for a period of 10 days. Permits may be renewed only after a finding by the department that further damage has occurred or will occur unless such permits are renewed. The permittee may not begin pursuit of a lion more than one mile nor continue pursuit beyond a 10-mile radius from the location of the reported damage. (moved)</p>				
460 - Fisher, Marten, River Otter, Desert Kit Fox, Sierra Nevada Red Fox and Sacramento Valley Red Fox		Should we distinguish red fox species? Possible language exempting scientific collecting?			
461 - Badger and Gray Fox	(a) Badger may be taken as follows: (2) Bag and Possession Limit: No limit. Set limit. (b) Gray fox may be taken as follows: (2) Bag and Possession Limit: No limit. Set limit.				
462 - Muskrat and Mink	Bag and Possession Limit: No limit. Set limit.				

Comments submitted by Rebecca Dmytryk, dated 09/04/16					
464 - Raccoon	<p>(a) Seasons and Areas: (1) Raccoon may be taken from July 1 through March 31 in the following area: All of Imperial County and those portions of Riverside and San Bernardino counties lying south and east of the following line: Beginning at the intersection of Highway 86 with the north boundary of Imperial County; north along Highway 86 to the intersection with Interstate 10; east along Interstate 10 to its intersection with the Cottonwood Springs Road in Section 9, T6S, R11E, S.B.M.; north along the Cottonwood Springs Road and the Mecca Dale Road to Amboy; east along Highway 66 to the intersection with Highway 95; north along Highway 95 to the California-Nevada state line.</p> <p>(1) October 1 through February 15 31 in the balance of the state.</p> <p>(b) Bag and Possession Limit: No limit. Set Limit. (c) Method of Take:</p> <p>(2) When taking raccoon after dark, pistols and rifles not larger than .22 caliber rimfire and shotguns using shot no larger than No. BB are the only firearms which may be used during this night period. (This regulation supersedes Sections 4001 and 4002 of the Fish and Game Code.) (See Sections 264 and 264.5 for light regulations.)</p> <p>(3) The take or attempted take of any raccoon with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1.</p> <p>(d) Dogs may be permitted to pursue raccoons in the course of breaking, training or practicing dogs in accordance with the provisions of Section 265 of these regulations.</p>	Adjust season dates to better reflect breeding / birthing season and dependency.			
465 - General Provisions for Taking Furbearers	<p>(a) Furbearing mammals may be taken only with a firearm, bow and arrow, or with the use of dogs, or traps in accordance with the provisions of Section 465.5 of these regulations and Section 3003.1 and 4004 of the Fish and Game Code. The take or attempted take of any furbearing mammal with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1. The take or attempted take of any furbearing mammal with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1.(REPEATED ONLINE)</p> <p>(b) Pursuant to Fish and Game Code Section 2003, it is unlawful to offer any prize or other inducement as a reward for the taking of furbearers in an individual contest, tournament, or derby.</p>				

Comments submitted by Rebecca Dmytryk, dated 09/04/16					
465.5 Use of Traps** **Staff created second row to accommodate text that exceeded maximum row size (see below). No content removed.	(e) Prohibition on Use of Steel-jawed Leg-hold Traps by Individuals. (more) (1) Exception for Extraordinary Case to Protect Human Health or Safety. (more) (A) Leg-hold Trap Requirements. Leg-hold traps used to implement subsection (e)(1) must be padded, commercially manufactured, and equipped as provided in subsections (A)1. through (A)5. 8. below. 1. Anchor Chains. Anchor chains must be attached to the center of the padded trap, rather than the side. 2. Chain Swivels. Anchor chains must have a double swivel mechanism attached as follows: One swivel is required where the chain attaches to the center of the trap. The second swivel may be located at any point along the chain, but it must be functional at all times. 3. Shock Absorbing Device. A shock absorbing device such as a spring must be in the anchor chain. 4. Tension Device. Padded leg-hold traps must be equipped with a commercially manufactured pan tension adjusting device. 5. Trap Pads. Trap pads must be replaced with new pads when worn and maintained in good condition. 6. Warning Signs. Signs must be posted when traps are set on publicly owned land or land expressly open to public use, at every entrance and exit to the property indicating the presence of conibear traps and at least four additional signs posted within a radius of 50 feet of the trap, one in each cardinal direction, with lettering that is a minimum of three inches high stating: "Danger! Traps Set For Wildlife. Keep Out." Signs shall be maintained and checked daily.	As stated in mountain lion dep. section - should be applied to all animals: Animals shall be taken in a humane manner so as to prevent any undue suffering to the animals. (5) For the last number of years there has been a significant increase in the number of wild mammals and birds mortally wounded by snap traps and glue boards placed outdoors. (8) allows for rescue using various pieces of manned equipment - there are no other sections, no language where Department can authorize groups or individuals to use traps or nets to help aid ill/injured/orphaned wildlife.			
465.5 - continued	(g) Use of Conibear Traps, Snares, Cage and Box Traps, Nets, Suitcase-type Live Beaver Traps and Common Rat and Mouse Traps for Purposes Unrelated to Recreation or Commerce in Fur. (more) (1) Immediate Dispatch or Release. All furbearing and nongame mammals that are legal to trap must be immediately killed or they may be released on site . Unless released, trapped animals shall be killed in a humane manner so as to prevent any undue suffering to the animals and in compliance with Fish and Game Code Section 4004 (g) and California Penal Code Section 597 or by shooting where local ordinances, landowners, and safety permit. This regulation does not prohibit employees of federal, state, or local government from using chemical euthanasia to dispatch trapped animals. (2) Trap Visitation Requirement. All traps shall be visited at least once daily every twenty-four hours (24) by the owner of the traps or his/her designee. (more) (5) Outdoor Use of Rat and Mouse Traps. If placed outdoors or in an area where other animals have access, rat and mouse snap traps and glue boards must be enclosed in protective cases or boxes to prevent wildlife or domestic animals from gaining access. (6) Warning Signs. Except for mouse and rat traps, signs must be posted when traps are set on publicly owned land or land expressly open to public use, at every entrance and exit to the property indicating the presence of conibear traps and at least four additional signs posted within a radius of 50 feet of the trap, one in each cardinal direction, with lettering that is a minimum of three inches high stating: "Danger! Traps Set For Wildlife. Keep Out." Signs shall be maintained and checked daily. (7) Zones (more) (8) Authorization to Capture Ill, Injured, or Orphaned Mammals. The department may authorize individuals to use capture equipment, including cage traps and nets, to contain authorized injured, diseased or orphaned animals for the purpose of rescue or rehabilitation.				
466 - Hours of Taking Furbearers					

Comments submitted by Rebecca Dmytryk, dated 09/04/16				
472 - General Provisions (nongame)**	<p>Except as otherwise provided in Sections 478 and 485 and subsections (a) through (d) below, nongame birds and mammals may not be taken.</p> <p>(a) The following nongame birds and nongame mammals may be taken at any time of the year and in any number except as prohibited in Chapter 6: English house sparrow, European starling, coyote, weasels, skunks, opossum, moles and rodents (excluding tree and flying squirrels, and those listed as furbearers, endangered or threatened species).</p> <p>(b) Fallow, sambar, sika, and axis deer may be taken only concurrently with the general deer season.</p> <p>(c) Aoudad, mouflon, tahr, and feral goats may be taken all year.</p> <p>(d) American crows (<i>Corvus brachyrhynchos</i>)</p> <p>(1) May be taken only under the provisions of Section 485 and by landowners or tenants, or by persons authorized in writing by such landowners or tenants, when American crows are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. Persons authorized by landowners or tenants to take American crows shall keep such written authorization in their possession when taking, transporting or possessing American crows. American crows may be taken only on the lands where depredations are occurring or where they constitute a health hazard or nuisance. If required by Federal regulations, landowners, or tenants or those persons authorized by such landowners or tenants shall obtain a Federal Migratory Bird Depredation Permit before taking any American crows or authorizing any other person to take them.</p>	Should have limits on take of meso-predators.	USFWS MBDP: My understanding is the person actually doing the take is the one that needs the fed permit, not the person hiring/authorizing them.	
472 - continued	<p>(2) American crows may be taken under the provisions of this subsection only by firearm, bow and arrow, falconry or by toxicants by the Department of Food and Agriculture for the specific purpose of taking depredating crows. Toxicants can be used for taking crows only under the supervision of employees or officers of the Department of Food and Agriculture or federal or county pest control officers or employees acting in their official capacities and possessing a qualified applicator certificate issued pursuant to sections 14151-14155 of the Food and Agriculture Code. Such toxicants must be applied according to their label requirements developed pursuant to sections 6151-6301, Title 3, California Code of Regulations.</p> <p>(e) Pursuant to California Fish and Game Code Section 4152, only nongame mammals that are causing damage to property or pose a threat to human health and safety or a threat to recovery of protected wildlife, may be taken by methods consistent with Section 401 of the California Fish and Game Code of Regulations, requiring a permit.</p>			
474 - Hours for Taking				??? 465.5

Comments submitted by Rebecca Dmytryk, dated 09/04/16					
475 - Methods of Take for Nongame Birds and Nongame Mammals	<p>Nongame birds and nongame mammals may be taken in any manner except as follows:</p> <ul style="list-style-type: none"> • (a) Poison may not be used. • (b) Recorded or electrically amplified bird or mammal calls or sounds or recorded or electrically amplified imitations of bird or mammal calls or sounds may not be used to take any nongame bird or nongame mammal except coyotes, bobcats, American crows and starlings. • (c) Fallow deer, sambar deer, axis deer, sika deer, aoudad, mouflon, tahr and feral goats may be taken only with the equipment and ammunition specified in Section 353 of these regulations. • (d) Traps may be used to take nongame birds and nongame mammals only in accordance with the provisions of Section 465.5 of these regulations and sections 3003.1 and 4004 of the Fish and Game Code. • (e) No feed, bait or other material capable of attracting a nongame mammal or nongame bird may be placed or used in conjunction with dogs for the purpose of taking any nongame mammals or birds. Nothing in this section shall prohibit an individual operating in accordance with the provisions of Section 465.5 from using a dog to follow a trap drag,(comma) and taking the nongame mammal caught in that trap in a humane manner and in accordance with California Fish and Game Code Section 4004 (g). • (f) The take or attempted take of any nongame bird or nongame mammal with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1 of these regulations. 				
478 - Bobcat	(c) Trapping: It shall be unlawful to trap any bobcat, or attempt to do so, or to sell or export any bobcat or part of any bobcat taken in the State of California. Any holder of a trapping license who traps a bobcat shall immediately release the bobcat to the wild unharmed.				
478.1 - Bobcat Hunting Tags		<p>Why is there no minimum age to hunt bobcats? Increase tag fee from \$3.24? 11K sold in 2015, how many were reported taken? How many were reported taken by pest control, if any?</p> <p>Not unlimited take - establish quota as with other species.</p>			
251.1. Harassment of Animals.	<p>Except as otherwise authorized in these regulations or in the Fish and Game Code, no person shall harass, herd or drive wildlife any game or nongame bird or mammal or furbearing mammal. For the purposes of this section, harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering. This section does not apply to a landowner or tenant who drives or herds birds or mammals for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops.</p>	<p>Would like to see an exemption for wildlife rehabilitators and oil spill responders.</p>			

Comments submitted by Rebecca Dmytryk, dated 09/04/16				
251.3. General Prohibition Against Feeding Big Game Mammals Wildlife.	<p>Except as otherwise authorized in these regulations or in the Fish and Game Code, (1) No person shall feed, attempt to feed, or negligently attract wild mammalian predator species (wild carnivore species), including coyote, raccoon, fox, skunk, opossum, bear, mountain lion, and bobcat, to land or a building. (2) No person shall knowingly feed big game mammals, as defined in Section 350 of these regulations, game mammals or game birds. (3) Any person who feeds, attempts to feed, or attracts wild mammalian predator species (wild carnivore species) or game species to land or a building by placing or locating food, food waste, or other edible attractant in, on, or about any land or building, and the food, food waste, or other edible attractant poses a risk to the safety of any person, livestock, or pet because it is attracting or could attract wild mammalian predator species (wild carnivore species) or game species to the land or building, that person commits a misdemeanor, or alternatively, an infraction. (4) No person shall leave or permit to be left out-of-doors any garbage containing food scraps without first securing food scraps in closed containers. (5) Subsection (3) of this section does not apply to:</p> <p>(a) A person who is engaging in hunting or trapping wildlife in accordance with all other applicable provisions of this Title and in accordance with applicable federal, state, and municipal laws;</p> <p>(b) A person who is engaging in a farming or ranching operation that is using generally accepted farming or ranching practices;</p> <p>(c) Waste disposal facilities that are operating in accordance with applicable federal, state, and municipal laws.</p>	Expands on species to include other problematic and potentially dangerous animals. Broadens language. Allows LE discretion on type of citation. Supports growing number of cities and counties prohibiting feeding of wildlife. See San Bernardino County, Los Angeles, San Jose, Torrance, Berkeley. Based on WA ordinance.	Altering behavior of wildlife, increasing potential for human-wildlife conflicts. Will help reduce risks of disease transmission, artificial population increase, and damage to public and private property	
467. Trapping Reports	<p>All holders of trapping licenses for recreational trapping, commerce in fur, or pest control, or those individuals registered with the department to trap authorized mammals for purposes unrelated to recreation or commerce in fur or pest control, including, but not limited to, the protection of property, must submit to the department a sworn statement or report by July 1 of his/her annual take of fur-bearing mammals for the preceding trapping season July 1 through June 30 of the preceding year. The statement or report shall show the number of each kind of fur-bearing mammals and nongame mammals taken, the reason or purpose for the take, number sold, the county in which furs were taken, the disposition of the animal, if the fur was sold, and the names and addresses of the persons to whom furs were shipped or sold. If the annual report is not received by July 1 following the most recent trapping year, or if it is not completely filled out, the trapper's license will be suspended. The commission shall be notified of any suspension and, subsequently, may revoke or reinstate applicant's license renewal application after written notice is given to the applicant and after he/she has been afforded an opportunity to be heard.</p>	Recommend separate licence for trapping for recreation and fur and damage (pest) control		

Fish and Game Commission
 Predator Policy Workgroup
 Predator Regulations Review Exercise
 July 21, 2016

DISCLAIMER: The recommended regulatory changes below represent a consensus proposal from the members representing the interests of Center for Biological Diversity, The Humane Society of the United States, and Project Coyote on the Predator Policy Workgroup. These changes would greatly improve the management of predators in California. However these proposed changes are only a first step and should not be read to indicate that our organizations believe that allowing any recreational or commercial take of predators is consistent with modern ecological principles or the

Comments submitted by CBD, HSUS, and Project Coyote, dated 09/02/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals	Keep as is.	<p>Ultimately, we challenge and urge the clean up of the categorization of species because they are antediluvian and not based on science.</p> <p>However, absent changing definitions, we recommend keeping as is. [FGC Sec. 3500 (Resident GameBirds); FGC Sec. 3950 (Game Mammals); FGC 4000 (Furbearing Mammals)]</p> <p>Throughout code and regulations, there are numerous inconsistencies with regard to references to game birds and mammals. These inconsistencies need to be squarely addressed and resolved to clarify when the Commission and the legislature intended game mammals (excluding nongame and furbearing classifications) as opposed to when code or regulations apply to all terrestrial mammals.</p>	Code and reg consistency; Addressing species categorization based on science rather than antediluvian and no longer relevant definitions		
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training	Blanket prohibition on pursuit/take of mammals via dog/dog training.	We recommend a blanket prohibition on pursuit/take of mammals via dog/dog training because take by dog is both inhumane for the victim prey as well as the dog itself. Moreover, a blanket prohibition would make it easier for law enforcement since it is currently illegal to pursue bobcats and bears but legal for coyotes, raccoons and other species. We note that there may be an exception for scientific research purposes.	Legal enforcement issues; Animal welfare ethics		

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365 - Bear	<p>Subsection (b) (Seasons). (1) Add "1,700 bears, <i>or any updated limit as the Department determines</i>, have been taken pursuant to the reporting requirement in subsection 708.12(d). <u><i>The department shall lower the take limit of 1,700 bears per season as warranted.</i></u>"</p>	<p>Currently there is a statewide take limit of 1,700 bears per season. This new provision ensures that take limits are regularly revisited.</p> <p>Moreover, we do not support any predator trophy-hunting and trapping because the practice: 1) creates social chaos in a population when territorial adults are removed, which leads to both intraspecific strife and infanticide; and 2) taking trophy-quality animals reduces the gene pool by removing the most fit animals.</p>	Ethics of take limits and trophy hunting and trapping		
366 - Archery Bear Hunting	Blanket ban on this entire practice.	It is ethically wrong to partake in archery bear hunting, and hunting for bears in this manner cuts against hunter ethics of eating what you kill.	Ethics of form of take		
401 - Issuance of Permit to Take Animals Causing Damage	<p>Subsection (a) (1) may and insert <i>must</i>. Strike <u>to take</u> and replace with <u>prior to taking</u> (2) or immediately threatening to damage or destroy, Subsection (b) (1) or threatened damage Subsection (c) (1) Change permit title name to "PERMIT TO KILL TAKE." (2) At the end of the provision, add "bound by all terms of the permit, <i>including use of non-lethal methods of take before resorting to legal take in compliance with subsection (d) below.</i>" Subsection (d) (1) In subsection (1), add after second sentence, "<i>Lethal control may be deployed only after the Department has determined that all appropriate non-lethal measures have been exhausted, and the state has verified that livestock losses have resulted from a predator whose species has been determined.</i>" (2) In subsection (1), add "<i>No body-gripping traps, iron-jawed traps, . . .</i>" (3) In subsection (1) at the end of the final sentence, add: "<i>Any non-target species taken by non-lethal method must be release unharmed and may not be taken. Any non-target species incidentally trapped in a non-lethal trap must be immediately release unharmed.</i>"</p>	<p>Non-lethal methods should be exhausted first before employing lethal methods. While we understand the need to protect against depredating animals and respect the rights of farmers and property owners to do so, we equally respect the rights of target and non-target animals and believe that enforcing the exhaustion of non-lethal methods first is a reasonable way to address the ethics and commercial needs of all sides. We do not object to using lethal methods where necessary in extraordinary circumstances where the animal is threatening public and human safety. To support this practice, we are open to working with the Department to develop a detailed guideline for usage of non-lethal methods.</p>	Exhaustion of non-lethal methods prior to use of lethal methods		

Comments submitted by CBD, HSUS, and Project Coyote, dated 09/02/16

<p>402 - Issuance of Permit to Kill Mountain Lion Causing Damage</p>	<p>Subsection (a) (1) Fix typo "complete and investigation. . . " (2) Fix typo "and carcass tags_e" (3) Add in current last sentence the underlined: "The department shall investigate such incidents and, upon a finding that the requirements of this regulation have been met, <u>may</u> issue a free permit. . . " (4) Add: <u>,"Lethal control may be deployed only after the Department has determined that all appropriate non-lethal measures have been exhausted, and the state has verified that livestock losses, if applicable, have resulted from the mountain lion in question. Lethal methods are permitted in exceptional circumstances where mountain lions immediately threaten human health and safety."</u></p> <p>Subsection (b) (1) Insert "by means of poison, <u>body-gripping</u> . . . "</p>	<p>The current regulation obliges the department to issue a permit to kill for depredation purposes upon investigating an incident and finding that the requirements of this regulation have been met. This should be a discretionary case-by-case decision made by the Department, as opposed to an automatic approval to kill, in order to afford non-lethal methods and other alterantives short of killing to address the damages caused.</p>	<p>Exhaustion of non-lethal methods priot to use of lethal methods</p>		
<p>460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox</p>	<p>Retain as is.</p>	<p>The current regulation prohibits the take of an enumerated subset of fubrearing mammals, which are already or soon will be listed as protected species under federal and CA state law. We defend and support the current regulation. See comment letter for further detail.</p>			
<p>461 - Badger and Gray Fox</p>	<p>(1) Add in provisions that do not permit unlimited take and instead require Department to set bag and season limits in accordance with science, ethics, and other pertinent values. (2) Delete Subsection (b)(3) permitting dogs to pursue gray fox.</p>	<p>The scheme of no bag limits is at odds with any semblance of science-based management, while as a matter of ethics and ecology, predators should not be trophy hunted or trapped at all. We want to ensure that the Dept and Commission set actual take limits and seasons should take be permitted. In addition to bag limits, take should at least be prohibited during the spring time to avoid orphaning of young. Re: pursuit by dog, we oppose the practice due to the inhumane ethics for both prey and dog.</p>	<p>Ethics of take limits and trophy hunting and trapping</p>		
<p>462 - Muskrat and Mink</p>	<p>Add in provisions that do not permit unlimited take and instead require Dept to set bag limits in accordance with science, ethics, and other pertinent values.</p>	<p>The scheme of no bag limits is at odds with any semblance of science-based management, while as a matter of ethics and ecology, predators should not be trophy hunted or trapped at all. We want to ensure that the Dept and Commission set actual take limits and seasons should take be permitted. In addition to bag limits, take should at least be prohibited during the spring time to avoid orphaning of young.</p>	<p>Ethics of take limits and trophy hunting and trapping</p>		

Comments submitted by CBD, HSUS, and Project Coyote, dated 09/02/16

464 - Raccoon	(1) Add in provisions that do not permit unlimited take and instead require Dept to set bag limits in accordance with science, ethics, and other pertinent values. (2) Delete Subsection (d) permitting dogs to pursue gray fox.	The scheme of no bag limits is at odds with any semblance of science-based management, while as a matter of ethics and ecology, predators should not be trophy hunted or trapped at all. We want to ensure that the Dept and Commission set actual take limits and seasons should take be permitted. In addition to bag limits, take should at least be prohibited during the spring time to avoid orphaning of young. Re: pursuit by dog, we oppose the practice due to the inhumane ethics for both prey and dog.	Ethics of take limits and trophy hunting and trapping		
465 - General Provisions for Taking Furbearers	Delete "with the use of the dogs".	Take by dog is both inhumane for the victim prey as well as the dog itself. Moreover, a blanket prohibition on take via use of dog would make it easier for law enforcement since it is currently illegal to pursue bobcats and bears but legal for coyotes, raccoons and other species. We note that there may be an exception for scientific research purposes.	Legal enforcement issues; Animal welfare ethics		
465.5 Use of Traps	See comment letter dated July 16, 2015 for full list of revisions. Amended provisions to address include the following: (1) Prohibition of body-gripping traps, with exception for circumstances where human health and safety are at risk; (2) Maintaining consent requirements of all residents who live 150 yds of location where trap is placed; (3) Misc changes to clarify, reorganize, and clean-up current language	See comment letter.	Ethics of take limits; Exhaustion of non-lethal methods prior to usage of lethal methods		
466 - Hours of Taking Furbearers	Add to the end "Section 474(a) of these regulations-- <i>or any other regulations in this chapter or the Fish & Game Code which prohibit night-time hunting in certain areas.</i> "	Resolution of inconsistencies with Code and other regulations.	Consistency with Code and other regulations		
472 - General Provisions (nongame)	See comment letter dated July 16, 2015 for full list of revisions. Provision amended to address nongame mammals only so that the final reads: "Except as otherwise provided in this chapter, nongame mammals may not be taken."	As a general recommendation, in the case that the take of a specific species is permitted, it should only be done so with a species-specific regulation such as those that exists for bobcats in 14 CCR §478 and furbearers in §§461-464. We believe that coyotes should be the highest priority for such species-specific regulations, and that as predators that play an important ecological role, they should not be trophy hunted or trapped.	Consistency with scientific classification		
474 - Hours for Taking	<u>Subsection (a)</u> (1) Include boundaries of potential wolf territory as closed to night-time hunting. <u>Subsection (b)</u> (2) Delete because night-time hunting on private lands within endangered species territory should not be permitted	Because wolves are both ESA and CESA-listed, regulations should afford protections to wolves that is consistent with these laws.	Consistency with CESA and ESA		

Comments submitted by CBD, HSUS, and Project Coyote, dated 09/02/16

<p>475 - Methods of Take for Nongame Birds and Nongame Mammals</p>	<p>Subsection (b) (1) Delete the following: except coyotes, bobcats, American crows and starlings.</p> <p>Subsection (e) (1) Delete the entire subsection.</p>	<p>Subsection (b): Recorded calls should not be used in the take of any of these species because it is a form of trickery.</p> <p>Subsection (e): No baiting should be allowed in conjunction with dogs; overall, no baiting should be allowed outside of depredation/relocation efforts. Instead of specifying that in this subsection, which specifically relates to dogs, the entire provision should be eliminated to avoid discussion.</p>	<p>Ethics of fair chase and animal welfare</p>		
<p>478 - Bobcat</p>	<p>First preference is to strike entire provision.</p> <p>However, second preference would be: Subsection (b) (1) Add language at the end of the last sentence: "five bobcats per season <u>subject to any revised bag limits set by the Department or Commission.</u>"</p>	<p>First preference reasoning: Bobcats, as an essential predator in the CA ecosystem, should not be hunted, as doing so goes against the majority view of Californians who value wildlife, as reflected in the process of passing the bobcat trapping ban.</p> <p>Second preference reasoning: This opens up the opportunity for Dept/Commission to adjust bag limits later. As discussed above, as a matter of ethics and ecology, bobcats as predators should not be trophy hunted or trapped at all. We do not support any predator trophy hunting or trapping because the practice: 1) creates social chaos in a population when territorial adults are removed, which leads to both intraspecific strife and infanticide; and 2) taking trophy-quality animals reduces the gene pool by removing the most fit animals.</p>	<p>Ethics of predator trapping and hunting</p>		
<p>478.1 - Bobcat Hunting Tags</p>	<p>First preference: bobcat hunting should be eliminated, so this entire provision should be entirely deleted.</p> <p>However, if not possible, second preference: Subsection (a): (1) Add language: "procure only five revocable, nontransferable bobcat hunting tags, subject to any revised bag limits set by the Department or Commission, . . ."</p> <p>Subsection (e) (1) Replace language: "shall not apply be barred from obtaining such tags for any future license year" (2) Add at the end: "year and shall be subject to penalties associated with this chapter."</p>	<p>First preference reasoning: Bobcats, as an essential predator in the CA ecosystem, should not be hunted, as doing so goes against the majority view of Californians who value wildlife, as reflected in the process of passing the bobcat trapping ban.</p> <p>Second preference reasoning: This opens up the opportunity for Dept/Commission to adjust bag limits later. As discussed above, as a matter of ethics and ecology, bobcats as predators should not be trophy hunted or trapped at all. We do not support any predator trophy hunting or trapping because the practice: 1) creates social chaos in a population when territorial adults are removed, which leads to both intraspecific strife and infanticide; and 2) taking trophy-quality animals reduces the gene pool by removing the most fit animals.</p>	<p>Ethics of predator trapping and hunting</p>		



Sent via electronic mail
July 16, 2015

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

Sonke Mastrup, Executive Director, California Fish and Game Commission
Predator Policy Working Group
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Cc: Charles Bonham, Director
California Department of Fish and Wildlife
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Caren Woodson
California Fish and Game Commission
Caren.Woodson@fgc.ca.gov

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

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

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

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

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

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

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

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

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

Current Text:

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

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

Recommendation:

This section of the regulations should be retained as is.

Discussion:

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

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

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

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

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

B. 14 CCR §465.5: USE OF TRAPS

Recommended Amended Text:

“§465.5 Use of Traps.

- (a) **Traps Defined.** Traps are defined to include padded-jaw leg-hold, steel-jawed leg-hold, and conibear-type traps, snares, dead-falls, cage traps, common rat and mouse traps and other devices designed to confine, hold, grasp, grip, clamp or crush animals’ bodies or body parts.
- (b) **Affected Mammals Defined.** For purposes of this section, furbearing mammals, game mammals, nongame mammals, and protected mammals are those mammals so defined by statute on January 1, 1997, in sections 3950, 4000, 4150 and 4700 of the Fish and Game Code.
- (c) **Prohibition on Body-Gripping Traps.** ~~ping for the Purposes of Recreation or Commerce in Fur.~~ It is unlawful for any person to trap ~~for the purposes of recreation or commerce in fur~~ any ~~furbearing mammal or nongame mammal~~ animal with any body-gripping trap. A body-gripping trap is one that grips the ~~animal mammal’s~~ body or body part, including, but not limited to all leg-hold and foothold traps (including steel-jawed, spiked-jaw, spiked-tooth, padded, laminated, off-set, and enclosed) ~~padded-jaw leg-hold traps~~, conibear-type traps, and snares. For the purposes of this section, ~~C~~ cage and box traps, nets, and suitcase-type live beaver traps, ~~and common rat and mouse traps~~ shall not be considered body-gripping traps ~~and may be used to trap for the purposes of recreation or commerce in fur any furbearing or nongame mammal.~~
(1) Exception for Extraordinary Case to Protect Human Health or Safety. The prohibition in subsection (c) does not apply to federal, state, county, or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise

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

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

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

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

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

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

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

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

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

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

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

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

- (1) **Immediate Dispatch or Release.** All furbearing and nongame mammals that are legal to trap must be immediately killed or released. Non-target species shall be released unharmed and may not be taken. Unless released, trapped animals shall be killed by shooting where local ordinances, landowners, and safety permit. In jurisdictions where shooting is not permitted, trapped animals shall be released. This regulation does not prohibit employees of federal, state, or local government from using chemical euthanasia to dispatch trapped animals.
- (2) **Trap Visitation Requirement.** All traps shall be visited at least once ~~daily~~ every 24 hours by the owner of the traps or his/her designee. Such designee shall carry on his/her person written authorization, as owner's representative, to check traps. In the event that an unforeseen medical emergency prevents the owner of the traps from visiting traps another person may, with written authorization from the owner, check traps as required. The designee and the person who issues the authorization to check traps shall comply with all provisions of this section Section 465.5. Each time traps are checked all trapped animals shall be removed.
- (3) **Trap Placement Requirement.** Traps may not be set within 150 yards of any structure used as a permanent or temporary residence, unless such traps are set by a person controlling such property or by a person who has and is carrying with him written consent of the landowner to so place the trap or traps.

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

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

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

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

Discussion:

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

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

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

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

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

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

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

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

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

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

- **CCR §465.5(e).** The proposed subsection (e) has been moved from subsection (g) in for purposes of drafting clarity. This proposed subsection encapsulates the rules for using non-body-gripping traps and common rat and mouse traps for purposes of property protection.
 - **CCR §465.5(f).** The proposed subsection (f) has been amended to clarify the rules for cage and box traps, nets and suitcase-type live beaver traps for non-depredation purposes. The term “non-body-gripping traps” is too broad, as it arguably includes common rat and mouse traps which are not subject to the same rules for purposes of non-depredation.
 - **CCR §465.5(g).** The proposed amendment clarifies general trapping requirements which apply to all trapping permitted in this section.
 - **CCR §465.5(g)(1).** The proposed amendment clarifies, for the avoidance of doubt, that in jurisdictions which do not allow firearms, trapped animals shall be immediately released.
 - **CCR §465.5(g)(2).** This is a clean-up amendment, as the text of this section should not be referencing itself.
 - **CCR §465.5(g)(4).** The proposed amendment requires that trappers report the coordinates and dates of the trap in their annual trapping report in order to ensure that trapping of furbearing and nongame mammals (particularly bobcats) has not occurred in zones prohibiting trapping.
- ***Incentive programs.*** At the March 12, 2015 meeting, incentives for predator-friendly practices were discussed. As an initial matter, we have no interest in seeing livestock harmed or ranchers and farmers suffer economically from depredation. At the same time, maintaining predator populations is critical to the ecosystem and such wildlife are shared public resources over which the ranching and farming communities do not have exclusive ownership rights. Studies show that much of the harm to livestock inflicted by predators can be avoided by the erection of protective barriers around livestock and the use of deflecting technologies which serve to protect all animal populations and economic interests at stake. We propose employing incentive programs that meet the interests of all stakeholders. Existing certification programs that incentivize non-lethal and ecologically sound approaches to address livestock-predator conflicts include “Predator Friendly,” Wildlife Friendly, and Animal Welfare Approved. Submitters would welcome the opportunity to present information about these incentive programs to the Committee, Department staff, and any other interested stakeholder groups, as was already initially done at the May 6, 2015 Committee meeting.

C. 14 CCR §472: GENERAL PROVISIONS

Recommended Amended Text:

“§472. General Provisions.

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

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

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

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

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

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

Discussion:

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

- ***Species-specific regulation; reformation of current classification system.*** As a general recommendation, in the case that the take of a specific species is permitted, it should only be done so with a species-specific regulation such as those that exists for bobcats in 14 CCR §478 and furbearers in §§461-464.² We believe that coyotes should be the highest priority for such specific regulations. Additionally, regulations for skunks should distinguish between spotted and striped skunks and explicitly prohibit take for the endemic Channel Islands spotted skunk. Similarly, any take regulations for moles and rodents should prohibit targeted take of all endemic subspecies considered species of special concern.

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

- ***Birds.*** References to birds have been struck as they are clearly not “nongame mammals.” Any regulation of their take should be addressed elsewhere in the regulations. We are happy to work with the Commission to amend the relevant regulations accordingly.
- ***Non-nongame mammals.*** The mammals currently listed in 14 CCR §472(b)-(c) are not nongame mammals as defined in F&G Code §4150 because they are not “naturally occurring” in California. Therefore, they should be excluded from 14 CCR §472 and addressed, if at all, in separate regulations.
- ***Bobcats and American crows.*** We note that of the two regulations cited in 14 CCR §472, §478 relates to bobcats and is undergoing revision, while §485 addresses American crows, which are obviously not mammals. Consequently, any references in §472 to other nongame mammal regulations are best made more generically as “in this chapter.”

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

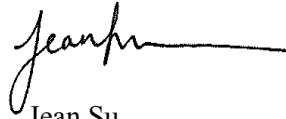
Thank you for your consideration of these recommended amendments. We look forward to continuing to work with the Department, Committee, Commission and other stakeholders to modernize California's predator management policy.

[Remainder of page intentionally left blank.]

Sincerely,



Camilla H. Fox
Founder & Executive Director
Project Coyote



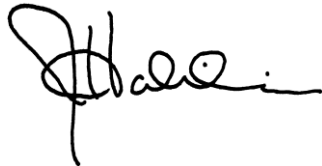
Jean Su
Staff Attorney
Center for Biological Diversity



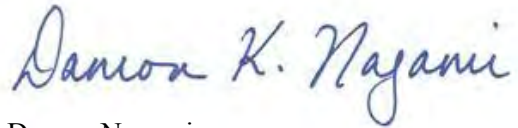
Rick Hopkins, PhD
Science Advisory Board, Project Coyote
Principal and Senior Conservation Biologist, Live
Oak Associates



Brendan Cummings
Senior Counsel
Center for Biological Diversity



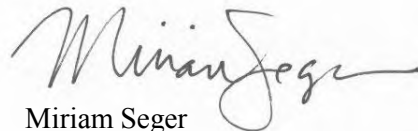
John Hadidian, PhD
Senior Scientist, Wildlife
The Humane Society of the United States



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



Tim Dunbar
Executive Director
Mountain Lion Foundation



Miriam Seger
Citizen Advocate
Project Bobcat



Vann Masvidal
President
California Council for Wildlife Rehabilitators



Doris Duncan
Executive Director
Sonoma County Wildlife Rescue



Sharon Ponsford
Board Member
California Council for Wildlife Rehabilitators



Monte Merrick
Bird Ally X and Humboldt Wildlife Care Center

-
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Appendix D: Workgroup Regulation Proposals Grouped by Type of Change

Fish and Game Commission
Wildlife Resources Committee - Predator Policy Workgroup
Sections of Title 14 Predator Regulations Grouped by Type of Change

STRUCTURAL INTEGRITY	BIOLOGICAL IMPACT	MORAL/ETHICAL CONCERN	CROSS-CUTTING ISSUES*
<p>265 - Use of Dogs</p> <p>FLAG: Modify(b)(6)(F)(1) and (2) if change seasons for furbearers (see 461-464 below) At issue: consistency</p> <p>(JB)</p>	<p>265 - Use of Dogs</p> <p>Modify (6)(f)(1) and (2) to change start of dog training dates from Mar 1 to Sep 1 At issue: impacts to raccoons and gray fox during breeding/ birthing/ rearing period</p> <p>(RD)</p>		<p>265 - Use of Dogs</p> <p>Structural/Ethical</p> <p>(1) Use of and need for trained dogs for depredation (2) Use of dogs for recreation (3) Use of dogs for depredation during recreational seasons</p> <p>At issue: biological impacts to target/non-target species; health and safety of dogs; fair chase; value as a tool</p>
<p>265 - Use of Dogs</p> <p>Allow for concealed carry permit when dog training At issue: personal safety; authority</p> <p>(RD, BG, JB)</p>			
	<p>365 - Bear</p> <p>Change "1700 per season" to limit set by DFW annually At issue: establishes take limits based on current status of population</p> <p>(JS, JF, RH)</p>	<p>366 - Archery Bear Hunting</p> <p>Ban archery as method of take for bear At issue: ethics of archery hunting</p> <p>(JS, JF, RH)</p>	
<p>401 - Depredation Permit</p> <p>Establish time period for issuance of permit (72 hrs.) At issue: need for faster response time to minimize impacts to property and tracking of offending animal</p> <p>(TL, NC, ES)</p>	<p>401 - Depredation Permit</p> <p>Add fox to list of species requiring a depredation permit At issue: need commenter clarification</p> <p>(RD)</p>		

Sections of Title 14 Predator Regulations Grouped by Type of Change

STRUCTURAL INTEGRITY	BIOLOGICAL IMPACT	MORAL/ETHICAL CONCERN	CROSS-CUTTING ISSUES*
<p>401 - Depredation Permits</p> <p>Align permit periods in subsections (b)(2) and (b)(3) (60 vs. 20 days) At issue: consistency</p> <p>(JB)</p>			<p>401/402 - Depredation Permits</p> <p>Structural/Ethical (1) Proactive protection (potential threat) vs. reactive protection (after damage inflicted) (2) Implementation options (permit period, use of traps, nonlethal options, "adequate" protective measures) At issue: value of species/value of property; impacts to non-target species; ethical concerns about methods used; need for clarity on definitions</p>
<p>401 - Depredation Permits</p> <p>Modify language in subsection to specify that permit is <i>required</i> for take At issue: clarity</p> <p>(JF, JS, RH)</p>			
<p>460 - Fisher, Marten, River Otter, Desert Kit Fox, Red Fox</p> <p>(1) Specify no take for commerce in fur (2) Add exemption for scientific collection At issue: Creates fully protected species; prevents take for depredation and scientific purposes as allowed in code</p> <p>(NC, ES) (RD)</p>	<p>460 - Fisher, Marten, River Otter, Desert Kit Fox, Red Fox</p> <p>Allow for take of non-native red fox At issue: Gives non-native red fox same protected status as native red fox</p> <p>(BG, JB, MH, RD)</p>		

Sections of Title 14 Predator Regulations Grouped by Type of Change

STRUCTURAL INTEGRITY	BIOLOGICAL IMPACT	MORAL/ETHICAL CONCERN	CROSS-CUTTING ISSUES*
<p>461-464 - Species-specific Provisions**</p> <p>Standardize season dates At issue: clarity; consistency</p> <p>(BG, JB)</p>		<p>461-464 - Species-specific Provisions**</p> <p>Set take limits for badger, gray fox, muskrat, mink, raccoon</p> <p>At issue: ethical and ecological concerns (RD, JS, JF, RH)</p>	
<p>464 - Raccoon</p> <p>Modify caliber size for night take of raccoon At issue: need commenter clarification</p> <p>(BG, JB)</p>	<p>464 - Raccoon</p> <p>Modify season from Jul 1 - Mar 31 to Oct 1 - Feb 15 At issue: adjust season dates to protect species during breeding/ birthing/ and rearing period</p> <p>(RD)</p>	<p>461, 464 - Badger, Gray Fox, Raccoons</p> <p>Prohibit use of dogs with a possible exemption for scientific purposes At issue: fair chase; health/safety of mammals and dogs</p> <p>(JS, JF, RH)</p>	
<p>465 - Provision for Taking Furbearers</p> <p>(1) Add reference to code section 4180 (2) Add reference to code section 4004 after 3003.1 At issue: clarity for depredation and use of traps</p> <p>(TL, ES) (RD)</p>			
<p>465 - Provisions for Taking Furbearers</p> <p>Add new subsection to allow for capture of ill, injured mammals for rehabilitation purposes At issue: clarify for rehabilitators</p> <p>(RD)</p>			
<p>465.5 - Use of Traps**</p> <p>Modify (g)(5) to specify "neck" snares within SJ kit fox/SN red fox zones At issue: allows use of non-lethal snares for depredation purposes</p> <p>(NC, ES)</p>	<p>465.5 - Use of Traps**</p> <p>Modify (g)(2) from "daily" trap checks to every 24 hrs. At issue: reduce stress on trapped animals</p> <p>(RD)</p>	<p>465.5 - Use of Traps</p> <p>(1) Modify (g)(1) to add "humane" manner pursuant to code section 4004(g) and Penal code 597 (2) Remove language allowing officers to use euthanasia At issue: ethical concern</p> <p>(RD)</p>	

Sections of Title 14 Predator Regulations Grouped by Type of Change

STRUCTURAL INTEGRITY	BIOLOGICAL IMPACT	MORAL/ETHICAL CONCERN	CROSS-CUTTING ISSUES*
<p>465.5 - Use of Traps Modify (g)(1) to specify release "on site" At issue: clarity regarding relocation (RD)</p>		<p>465.5 - Use of Traps Only allow body gripping traps where human health or safety is at risk At issue: ethical concern (JS, JF, RH)</p>	
<p>465.5 - Use of Traps Add subsection requiring posting of warning signs around area where traps are set At issue: public health and safety (RD)</p>			
<p>465.5 - Use of Traps Replace "local ordinance" with reference to FG code sections 3004(a) and (b) and Penal Code section 246.3(a) At issue: clarify authority (MH)</p>			
<p>465.5 - Use of Traps Verify all code/reg sections with night time restrictions are referenced At issue: clarity; consistency (JF, JS, RH)</p>			
<p>467 - Trapping Reports Require reporting by all licensees (recreational and nuisance) At issue: consistency; allows collection of data on take for depredation (RD)</p>			

Sections of Title 14 Predator Regulations Grouped by Type of Change

STRUCTURAL INTEGRITY	BIOLOGICAL IMPACT	MORAL/ETHICAL CONCERN	CROSS-CUTTING ISSUES*
<p>472 - General Provisions for Nongame Mammals (1) Add reference to code section 4152 (2) Specify "nongame" mammals At issue: clarity (TL, ES)(RD)</p>			<p>472 - General Provisions</p> <p>Structural/Ethical Standardization of process and methods of take for depredation between furbearers, nongame, and game mammals. At issue: value of species/value of property; individual value of species; impacts to populations; ethical concerns about methods</p>
<p>472 - General Provisions Create species-specific sections (i.e. 478 Bobcat) within the chapter for predators where take is allowed (i.e. coyote, weasel, skunk, opossum) At issue: consistency with game mammals and furbearers (JF, JS, RH)</p>			
<p>472 - General Provisions</p> <p>Various provisions for sparrows, starlings, and crows At issue: clarifying species (RD)</p>	<p>474 - Hours for Taking Modify (b) to prohibit night hunting on private property within the territory of any listed species At issue: protect listed species (JF, JS, RH)</p>		
<p>475 - Take of Nongame Birds and Mammals</p> <p>Modify (e) to add "nongame" birds At issue: clarity (RD)</p>		<p>475 - Take of Nongame Birds and Mammals Modify (e) add "humane" manner pursuant to code section 4004(g) and Penal code 597 At issue: ethical concerns (RD)</p>	<p>475 - Take of Nongame Birds and Mammals</p> <p>Structural/ethical Use of amplified calls for depredation and/or recreational purposes for both furbearers and nongame mammals At issue: value as a tool; fair chase; ethical concerns</p>
		<p>475 - Take of Nongame Birds and Mammals Delete subsection (e) regarding dogs/bait At issue: ethical concerns (JS, JF, RH)</p>	
<p>478 - Bobcat</p> <p>Align season dates to those for furbearers (461-464) At issue: clarity; consistency (JB)</p>	<p>478 - Bobcat</p> <p>Change "5 per season" to limit set by DFW annually At issue: establishes take limits based on current status (JS, JF, RH)</p>	<p>478 - Bobcat</p> <p>Ban hunting of bobcats At issue: ethical concern regarding value of species (JS, JF, RH)</p>	

Sections of Title 14 Predator Regulations Grouped by Type of Change

STRUCTURAL INTEGRITY	BIOLOGICAL IMPACT	MORAL/ETHICAL CONCERN	CROSS-CUTTING ISSUES*
<p>478 - Bobcat Modify (c) to allow for trapping for depredation per 401 At issue: clarity (ES)</p>			
<p>478.1 - Bobcat Hunting Tags (1) Minimum age limit (2) Fees (3) Violations At issue: consistency with other tags (i.e. game tags) (RD)(JS, JF, RH)</p>			
<p>478.1 - Bobcat Hunting Tags FLAG: If take limit changed then this section also needs to change At issue: consistency (JF, JS, RH)</p>			
<p>251.1 - Harassment of Animals Add exemptions for rehab and oil spill responders At issue: clarify (already exempted?) (RD)</p>			
<p>251.3 - Feeding Animals Add provisions to expand scope of prohibition on feeding big game mammals At issue: minimizing human/wildlife conflict (RD)</p>			

***Column added for proposed changes where there is significant disagreement and applies to 2 or more categories**

****Indicates that proposed change may fit better in another category; color indicates category
 Proposed changes possibly outside of Workgroup's scope are highlighted (yellow)**

TO:

California Fish and Game Commission

fgc@fgc.ca.gov

Eric Sklar, President

Jacque Hostler-Carmesin, Vice President

Peter Silva, Member

Anthony Williams, Member and Co-Chair of the Wildlife Resources Committee

Russell Burns, Member and Co-Chair of the Wildlife Resources Committee

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RE: Comments on the Predator Policy Working Group process from the Conservation Reviewers Group

Dear Executive Director Termini and Commissioners and Director Bonham and Staff,

We, the Predator Policy Working Group (PPWG) Conservation Review Group, appreciate having been a part of the PPWG process that has taken place over the last two years. We greatly value the opportunity to have had a role and a voice in modernizing California's predator policy. However, the outcome of the PPWG process has left us feeling frustrated and disheartened.

We are a diverse group of individuals with a broad array of knowledge and experience in wildlife conservation and wildlife advocacy. We are all strongly committed to contributing to a process that would better align state regulations and policies with modern wildlife conservation principles grounded in best available science. Our group met by phone regularly once a week for the duration of the PPWG process. Many of us work in wildlife rehabilitation and rescue and wildlife conservation advocacy. Everyone in our group made it a priority to continue participating so we could stay apprised as to how best to respond and contribute in our reviewer capacity.

Our initial concern regarding the success of this process was that it seemed polarized from the beginning. There were six hunting and agricultural interest group members (consumptives) and four conservation group members, indicating there would likely never be a vote in conservation's favor without much discussion and the ability for group members to reach compromise. The entire two-year process was spent hashing out a single policy statement language that was not meant to be binding, but rather to provide a framework from which to consider how conservation might be better incorporated into current wildlife management techniques. Perhaps most telling, that single policy statement has still failed to reach consensus. The below discussion provides explanation as to the ineffectuality of the two-year process.

The consumptive group consistently demonstrated an unwillingness to compromise, and their constant filibustering caused us to spend the majority of time in the meetings fighting to make sure things didn't get worse for predators in California instead of working on the task we were assigned to accomplish – modernizing predator policies and regulations.

As a reminder, the PPWG decided their considerations would include regulations for badger, gray fox, mink, raccoon, bobcat, coyote, short-tailed weasel and long-tailed weasel as the primary focus species, with the secondary focus species being black bear, mountain lion, grey wolf, striped skunk, spotted skunk and opossum. Remarkably, the regulations that affect the take (and lives) of all of these mammals went completely untouched for the entire two-year process.

As the process continued into the second year, it became apparent that all the scientific studies and research some of our review members were accumulating, as well as all the significant writing and editing efforts we were

making for consideration by the writing group, were going largely unexamined. The knowledge and arguments we offered in the name of science for more balanced and humane wildlife management went unheard. We became enormously discouraged watching how ineffective the entire process became.

In light of the ineffectiveness of the PPWG process, we offer a path forward that is effectual and seeks to accomplish the original purpose of the PPWG: to substantially modernize the current antediluvian regulatory framework of predator policy to provide greater protections for California's predators. We would like to see this process reinvigorated with a more evenly represented writers/drafting working group that includes both consumptive and non-consumptive stakeholders. Participants must commit to an understanding that the purpose of the group is to update policies and regulations and be willing to compromise to keep the process moving forward—instead of status quo and even worse, regression.

We must have a group that can work together and be willing to compromise with the understanding that none of us will get exactly what we want. Nothing will be gained if there are group members who are unwilling to work for the common goal of modernizing predator policies and regulations in California. In fact, by appointing individuals to the PPWG who refuse to work toward the agreed upon goal, the Commission not only wastes its time and taxpayer resources, but those of all involved. We cannot make that same mistake again.

In the end, it seems the PPWG made no real advances for California's wildlife. While some might argue that these processes take time to develop and strengthen, time is something that California's predators do not have. With shrinking habitat, climate change, road kill, wild fires, drought, and so much more, not to mention continued intolerance, wildlife continues to disappear from our landscapes at alarming rates. Soon there may not be much left that needs managing.

Further, our conservation review group understood that we were to be participating in a fair and balanced process, but instead found the PPWG to be a forum that appeared skewed from the beginning toward hunting and agricultural interests. While we believe that hunting and agricultural interests should have a voice at the table, it seems they were the *only* voice at this table that had the majority vote, rendering the remaining view of the group powerless. Nothing speaks so clearly to the ineffectiveness of this process as the cancellation of the last meeting due to inability to reach a quorum. The Predator Policy Working Group has spoken, and its voice is not for our wildlife.

- We urge you to ensure an evenly represented writers group from both consumptive and non-consumptive stakeholders, with participants who understand that the purpose of the group ultimately is to modernize predator policies and regulations and who are willing to compromise to keep the process moving forward.
- We urge you to support a balanced mechanism for considering best available science in all predator policy/regulation updates.
- We urge you to ensure that all concerns are addressed within a framework of compromise, sound science and acknowledgement of engrained worldviews with the underlying and agreed-upon goal of updating predator policy being the common effort.
- We urge you to establish a specific scope of work that addresses the most important policies and regulations threatening predators in the state.

We hope there will be opportunities in the future to participate in a more balanced and effective regulatory review process for predator policy reform. We would be pleased and prepared to serve in a citizen advisory capacity to assist in informing and streamlining this process going forward.

Thank you for all you do to advance scientifically vetted and balanced wildlife management, and for your consideration of this matter.

Sincerely,

The PPWG Conservation Review Group

From: John Herlihy
Sent: Thursday, December 14, 2017 1:05 PM
To: FGC
Subject: animals of prey

Hello.

I have hunted coyotes for many years. When in the cattle business I would be up all night protecting my calving cows and their babies. Please do not buy into the HSUS tail of lies and misinformation. Coyotes are a menace and must be kept under control. However, I do not think there should be a complete abolishing of the animal but the must be kept under strict control.

Best regards,

John S. Herlihy

From: Bruce Dodd
Sent: Thursday, December 28, 2017 1:03 PM
To: FGC
Subject: Predator hunting and trapping

Coyotes are out of hand, especially in urban areas. Local jurisdictions are passing the buck and not addressing the issue. Hunting and trapping are needed to address the problem.
Bruce Dodd

Sent from my iPhone

Wildlife Resources Committee (WRC) 2017-2018 Work Plan: Scheduled topics and timeline for items referred to WRC (updated for Jan 2018 WRC meeting)

Topic	Type of Topic	2017	2018		
		SEP (Riverside)	JAN (Santa Rosa)	MAY (Los Alamitos)	SEP (Sacramento)
Annual Regulations					
Upland (Resident) Game Birds	Annual	X	X / R		X
Sport Fishing	Annual		X	X / R	
Mammal Hunting	Annual	X / R		X	X / R
Waterfowl	Annual	X / R		X	X / R
Central Valley Salmon Sport Fishing	Annual	X / R		X	X / R
Klamath River Basin Salmon Sport Fishing	Annual	X / R		X	X / R
Regulations & Legislative Mandates					
Falconry	Referral for review	X		X	X
Coastal Streams Low-Flow regulations	Referral for review		X	X	X
Emerging Management Issues					
Lead Ban Implementation	DFW project		X	X	X
Wild Pig Management	Referral for review	X / R			
Special Projects					
Predator Policy Workgroup	WRC workgroup	X	X / R		
Delta Fisheries Forum (May 24, 2017)	Referral	X / R			

KEY X Discussion scheduled R Recommendation developed and moved to FGC

California Fish and Game Commission – Perpetual Timetable for Anticipated Regulatory Actions

(Dates shown reflect the date intended for the subject regulatory action.)

Updated: 01/02/18

For GFC Staff Use				REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	2018																
						JAN 11	FEB 6	FEB 7 8	MAR 6	APR 12	APR 18 19	MAY 17	JUN 19	JUN 20 21	JUL 17	AUG 22 23	SEP 20	OCT 16	OCT 17 18	NOV 14	DEC 12 13	
QUARTERLY EFFECTIVE	DFWRU ANALYST	FGC ANALYST	LEAD			WRC SANTA ROSA	TC SACRAMENTO	FGC SACRAMENTO	MRC SANTA ROSA	FGC TELECONFERENCE	FGC VENTURA	WRC LOS ALAMITOS	TC SACRAMENTO	FGC SACRAMENTO	MRC SAN CLEMENTE	FGC FORTUNA	WRC SACRAMENTO	TC FRESNO	FGC FRESNO	MRC SACRAMENTO	FGC SOUTHERN CALIFORNIA	
				File Notice w/OAL by				12/12/17		02/13/18	02/20/18			04/24/18		06/26/18			08/21/18			10/16/18
				Notice Published				12/22/17		02/23/18	03/02/18			05/04/18		07/06/18			08/31/18			10/26/18
				Title 14 Section(s)																		
*	KM	ST	WB	Tricolored Blackbird - Incidental Take	749.9			A		E 4/1 X												
	KM	RP	FB	Central Valley Salmon Sport Fishing (Annual)	7.50(b)(5), (68) & (156.5)			D		A		V			E 7/1		R					N
	MR	JS	WLB	Waterfowl (Annual)	502			D			A	V			E 7/1		R					N
	KM	SF	FB	Klamath River Basin Salmon Sport Fishing (Annual)	7.50(b)(91.1)			D		A		V				E 8/1	R					N
	MR	JS	WLB	Upland (Resident) Game Bird (Annual)	300	R		N				D			A		E 9/1 V					
	SB	SF	FGC	Tribal Take in MPAs	632(b)(97), (98), (112) and (117)						N			D		A						
*	SB	RP	FGC	Rockport Rocks Special Closure	632(b)(17)						N			D		A						
	MR	RP/SF	WB	Trapping Fees	TBD										N		D				A	
*	SB	ST	MR	Groundfish	TBD											N			D			
	MR	JS	LED	Deer/Elk Tag Validation	708.6, 708.11											N				D		
	MR	JS	LED	Archery Equipment and Crossbow Regulations	354(f)											N				D		
	KM	JS	FB	Sport Fishing (Annual)	1.05 et al.	V			E 3/1			R				N				D		A
	MR	JS	WLB	Mammal Hunting (Annual)	360 et al.							V					R					N
	MR	JS	FGC	Use of Dogs for Pursuit/Take of Mammals or Dog Training 2016	265					E 4/26												
	MR	JS	FGC	Use of Dogs for Pursuit/Take of Mammals or Dog Training 2017	265					E 4/26												
*	KM	ST	FB	Commercial Take of Rattlesnakes	42, 43, 651, 703					E 4/1												
*	KM	ST	MR	Nearshore and Deeper Nearshore Fishing Permits	150,150.01,150.02,705					E 4/1												
*	MR	ST	MR	Commercial Fisheries Landing Requirements	197					E 4/1												
*	MR	SF	MR	Commercial Sea Cucumber	128				E 3/1													
	KM	ST	MR	Abalone Certificate of Compliance	29.15					E 4/1												
*	MR	ST	MR	Commercial Sea Urchin (Phase II)	120.7, 705					E 4/1												

RULEMAKING SCHEDULE TO BE DETERMINED

*			MR	Kelp and Algae Harvest Management	165, 165.5, 704				V													
*				Possess Game / Process Into Food	TBD																	
*			OGC	AZA / ZAA	671.1																	
				Night Hunting in Gray Wolf Range	474																	
				Shellfish Aquaculture Best Management Practices	TBD				V						R							
*			ST	Fisher	670.5																	
*			MR	Ridgeback Prawn Incidental Take	120(e)																	
*			ST	Northern Spotted Owl	670.5																	
*				Ban of Neonicotinoid Pesticides on Department Lands	TBD																	
*			MR	Commercial Crab Incidental Take Limits	120(e)(4), 125.1(c), 126(a)(7) & Add 129																	
*			MR	Commercial Pink Shrimp Trawl	120, 120.1 and 120.2																	

EM = Emergency, EE = Emergency Expires, E = Anticipated Effective Date (RED "X" = expedited OAL review), N = Notice Hearing, D = Discussion Hearing, A = Adoption Hearing, V =Vetting, R = Committee Recommendation, WRC = Wildlife Resources Committee, MRC = Marine Resources Committee, TC = Tribal Committee