

COMMITTEE STAFF SUMMARY FOR SEPTEMBER 19, 2023 WRC

8. TAKE OF NONGAME MAMMALS**Today's Item**Information Action

Discuss issues and the regulatory framework regarding the indiscriminate take of nongame mammals.

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

California Fish and Game Code Section 4150 provides that "A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal." Nongame mammals in California include species such as opossums, cottontail rabbits, raccoons, coyotes, red foxes, weasels, moles, and various rodents. The section further states that "...it is unlawful for any person to trap any nongame mammal for purposes of recreation or commerce in fur."

Per Fish and Game Code Section 4152 (see Exhibit 1, slide 9), nongame mammals that are causing damage may be taken for depredation purposes. However, an ambiguity exists whether nongame mammals (along with other animals listed in Section 4152) that are *not* causing property damage may be taken. The ambiguity ultimately rests with whether the phrase "that are found to be injuring growing crops or other property" is to apply to only red fox squirrels, or nongame mammals in general (along with the other species in the list). The practical implication regarding this ambiguity is whether, outside of hunting for sport, nongame mammals that are not damaging crops or property may be taken.

The Commission's regulations in Section 472 currently state, in part, "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, domestic pigeon (*Columba livia*) except as prohibited in Fish and Game Code section 3680, coyote, weasels, skunks, opossum, moles and rodents (excluding tree and flying squirrels, and those listed as furbearers, endangered or threatened species). In other words, per its regulation, the Commission has determined that certain nongame mammals may be taken at any time and in any number. On the other hand, the Commission Depredation Control Policy states, "In the event that some birds or mammals may cause injury or damage to private property, depredation control methods directed toward offending animals may be implemented." Thus, the Commission's own policy reflects some ambiguity.

Today, WRC will receive a presentation from Rebecca Dmytryk of Humane Wildlife Control Inc. and Emergency Wildlife Services (Exhibit 1) and hold an initial discussion about issues surrounding the take of nongame mammals. Because this is a developing topic in its early stages, Commission staff anticipates further discussion at future meetings.

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

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Exhibits

1. [Public presentation](#)

Commission Direction/Recommendation (N/A)



Indiscriminate Trapping of nongame and fur-bearing mammals

presented by
Rebecca Dmytryk

California Fish and Game Commission's
Wildlife Resources Committee Meeting

Indiscriminate Trapping

- ⇒ No effort to identify offending animal(s).
- ⇒ Traps placed randomly - not near site of conflict.
- ⇒ Baited traps set in open space, wildlife corridors, nature preserves.
- ⇒ Conducted regularly, seasonally, and year round.
- ⇒ No consideration to cumulative impacts on local ecosystems / wildlife populations.



Is indiscriminate trapping of mammals in an effort to reduce or eliminate human-wildlife conflicts:

Effective?

Appropriate? (acceptable/humane)

Legal?





Effectiveness

Is indiscriminate trapping effective in reducing human-wildlife conflicts?

- 🐾 Removal of animal(s) is not a long term solution.
- 🐾 New individuals fill vacancies in the hospitable habitat.
- 🐾 Long-term solutions include exclusion, and removal of attractants.
- 🐾 Widespread control programs are not justifiable. (Boggess, 1994)

Effectiveness

Is indiscriminate trapping effective in reducing conflicts with coyotes?

Coyote populations return to approximate pre-trapping levels in less than 1 year. (Kilgo et al, 2017)

Coyotes demonstrate reproductive compensation and compensatory immigration. (Minnie et al., 2016)

Exploited populations exhibit increased pregnancy rates and litter size. (Kilgo et al., 2017)

Complete elimination is not practical nor is it necessary to resolve conflicts. (Schmidt & Timm, 2007)





Appropriateness

Are the methods of indiscriminate trapping to reduce human-wildlife conflicts acceptable?

- 🐾 Animals may be trapped using neck snares. Potential for strangulation.
- 🐾 Animals typically placed into a chamber and dispatched using CO₂ gas. This method is not recommended by AVMA for large animals.
- 🐾 Does the indiscriminate trapping align with the Department as a Trustee Agency?



Legality

Does indiscriminate trapping conflict with Fish and Game Code?

Wildlife Protection Act of 2019

It is unlawful for any person to trap any nongame or fur-bearing mammal for purposes of recreation or commerce in fur.

Introduced by Senator Nejedly

February 6, 1978

An act to amend Sections 4004, 4152, and 4180 of, to add Sections 3005.2, 4180.4, and 4180.6 to, and to add and repeal Chapter 11 (commencing with Section 4900) of Part 3 of Division 4 of, the Fish and Game Code, relating to birds and mammals, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1480, as introduced, Nejedly. Birds and mammals: predators.

Under existing law, fur-bearing mammals and nongame mammals which are injuring property may be taken at any time and in any manner, except that a leg-hold steel-jawed trap with saw-toothed or spiked jaws or a leg-hold steel-jawed trap with a spread of 5½ inches or larger without offset jaws may not be used.

This bill would:

(1) Make it unlawful to fail to visit and remove all mammals from traps used for the control of predatory mammals once every 24 hours, and make other specified provisions governing the use of traps generally, applicable to the taking of fur-bearing mammals, and nongame mammals, black-tailed jackrabbits, muskrats, and red fox squirrels, injuring crops or other property.

(2) Require steel-jawed or leg-hold traps used for the control of predatory mammals to be registered with the Department of Fish and Game, as specified, and require specified information to be reported to the department. The bill would authorize the department to require payment of a processing fee, not to exceed \$3. Under existing law any such moneys would be deposited in the Fish and Game Preservation Fund and continuously appropriated to the department.

LEGISLATIVE COUNSEL'S DIGEST

SB 1480, as amended, Nejedly. Birds and mammals: predators.

Under existing law, fur-bearing mammals and nongame mammals which are injuring property may be taken at any time and in any manner, except that a leg-hold steel-jawed trap with saw-toothed or spiked jaws or a leg-hold steel-jawed trap with a spread of 5½ inches or larger without offset jaws may not be used.

This bill would:

(1) ~~Make it unlawful to fail to visit and remove all mammals from traps used for the control of predatory mammals once every 24 hours, and make other specified~~ *Specify* provisions governing the use of traps generally, applicable to the taking of fur-bearing mammals, and nongame mammals, black-tailed jackrabbits, muskrats, and red fox squirrels, injuring crops or other property.

(2) Require steel-jawed or leg-hold traps used for the control of ~~predatory nongame mammals other than moles, shrews, rats, mice, and gophers~~ to be registered with the Department of Fish and Game, as specified, and require specified information to be reported to the department. ~~The bill would authorize the department to require payment of a~~

Nongame Mammals

 There is some ambiguity regarding non-game mammals and other species.

FISH AND GAME CODE - FGC DIVISION 4. BIRDS AND MAMMALS PART 3. MAMMALS CHAPTER 3.
NONGAME MAMMALS AND DEPREDATORS ARTICLE 1 NONGAME MAMMALS

§4152. Taking of Nongame Mammals Found Injuring Crops or Property

(a) Except as provided in Section 4005, nongame mammals and black-tailed jackrabbits, muskrats, and red fox squirrels that are found to be injuring growing crops or other property may be taken at any time or in any manner in accordance with this code...

Fur-bearers

🐾 Current code states clearly that fur-bearing mammals that are found to be injuring property may be taken.

🐾 As far back as 1978 it was restated and affirmed:

“Under existing law, fur-bearing mammals and nongame mammals which are injuring property may be taken.”

FISH AND GAME CODE - FGC DIVISION 4. BIRDS AND MAMMALS PART 3. MAMMALS CHAPTER 3. NONGAME MAMMALS AND DEPREDATORS ARTICLE 2 DEPREDATORS

§4180. Taking of Fur-Bearing Mammals Injuring Property

(a) Except as provided for in Section 4005, fur-bearing mammals **that are injuring property** may be taken at any time and in any manner in accordance with this code or regulations made pursuant to this code.

California Fish and Game Commission

POLICIES

Depredation Control

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

Terrestrial Predator Policy

II. Pursuant to the objectives set forth in Section 1801 of Fish and Game Code, the Commission acknowledges that native terrestrial predators are an integral part of California's natural wildlife and possess intrinsic, biological, historical, and cultural value, which benefit society and ecosystems. The Commission shall promote the ecological, scientific, aesthetic, recreational, and educational value of native terrestrial predators in the context of ecosystem-based management, while minimizing adverse impacts on wildlife and reducing conflicts that result in adverse impacts to humans, including health and safety, private property, agriculture, and other public and private economic impacts.

III. The Commission further recognizes that sustainable conservation and management strategies are necessary to encourage the coexistence of humans and wildlife. It is, therefore, the policy and practice of the Fish and Game Commission that:

A - Existing native terrestrial predator communities and their habitats are monitored, maintained, restored, and/or enhanced using the best available science. The department shall protect and conserve predator populations.

B - Native terrestrial predator management shall be consistent with the goals and objectives of existing management and conservation plans. Management strategies shall recognize the ecological interactions between predators and other wildlife species and consider all available management tools, best available science, affected habitat, species, and ecosystems and other factors. The department shall provide consumptive and non-consumptive recreational opportunities. The recreational take of native terrestrial predator species shall be managed in a way that ensures sustainable populations of predator and prey are maintained.

C - Human-predator conflict resolution shall rely on management strategies that avoid and reduce conflict that results in adverse impacts to human health and safety, private property, agriculture, and public and private economic impacts. Efforts should be made to minimize habituation of predators especially where it is leading to conflict. Human safety shall be considered a priority. Management decisions regarding human-predator conflicts shall evaluate and consider various forms of lethal and nonlethal controls that are efficacious, humane, feasible and in compliance with all applicable state and federal laws and regulations. A diverse set of tools is necessary to avoid, reduce, and manage conflict. To ensure long-term conservation of predators and co-existence with humans and wildlife, all legal tools shall be considered when managing to address conflicts.

Case Study: Coyotes

City of Torrance Coyote Management Plan

October 2019 - March 2022

Active Trapping Season

Annually, from **October to February**, the City of Torrance will **actively trap and euthanize all coyotes in the City of Torrance.** (Monday through Friday)

October 2022 through December 2023

Active Trapping Season

Active Trapping Season Annually, coyote trapping season is usually from October to March. In the City of Torrance, **trapping will occur year-round in 2022 by actively placing traps in allowable areas within the City's boundary and euthanize all coyotes caught as legally mandated.** (Monday through Sunday)



Is indiscriminate trapping effective, appropriate, and is it legal?

References

Kierepka, E.M., Kilgo, J.C. and Rhodes, O.E., Jr (2017), Effect of compensatory immigration on the genetic structure of coyotes. *Jour. Wild. Mgmt.*, 81: 1394-1407.

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Kilgo, John & Shaw, Christopher & Vukovich, Mark & Conroy, Michael & Ruth, Charles. (2017). Reproductive characteristics of a coyote population before and during exploitation. *The Journal of Wildlife Management*. 81. 10.1002/jwmg.21329.

Minnie, L., Gaylard, A. and Kerley, G.I.H. (2016), Compensatory life-history responses of a mesopredator may undermine carnivore management efforts. *J Appl Ecol*, 53: 379-387.

<https://doi.org/10.1111/1365-2664.12581>

Schmidt, Robert H. and Timm, Robert M., "BAD DOGS: WHY DO COYOTES AND OTHER CANIDS BECOME UNRULY?" (2007). *Wildlife Damage Management Conferences -- Proceedings*. 71. https://digitalcommons.unl.edu/icwdm_wdmconfproc/71