



**Meeting Report
Stakeholder Working Group
Meeting on Wolves in California
September 9, 2014**

CDFW Office of Training and Development
1740 North Market Blvd.
Sacramento, CA 95834



Photo Courtesy of Gary Kramer

California Department of Fish and Wildlife

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1.0 Introduction

On September 9, 2014 the California Wolf Stakeholder Working Group (SWG) reconvened to continue their work toward the development of a California wolf plan. The meeting took place in the California Dept. of Fish and Wildlife's Office of Training and Development training room in Sacramento, CA. The group's previous meeting took place on July 22, 2014 at the City of Redding Community Room.

2.0 Meeting Objectives and Mechanics

The purpose of the meeting was to continue to engage the SWG in the wolf planning process and work toward the completion of a California wolf plan (CWP).

The stated objectives were:

- Continue SWG input on draft CWP chapters
- Discuss wolf management coordination/restoration opportunities with US Forest Service (USFS)
- Confirm depredation definition and allowable actions as described in Fish and Game Code §4150 – 4190.
- Confirm CWP timeline, scheduling, and stakeholder commitments moving forward

The meeting was attended in person by the meeting facilitator Mr. Sam Magill, 16 stakeholders, and three CDFW staff. Also in attendance was one member of the public. Appendix A provides a list of participants, their affiliations, and their contact information. The meeting agenda is provided in Appendix B.

3.0 Meeting Outputs

The SWG's standing ground rules are:

- Seek to learn and understand each other's perspective
- Encourage respectful, candid, and constructive discussions
- Provide balance of speaking time
- Seek to resolve differences and reach consensus
- Discuss topics together rather than in isolation
- Make every effort to avoid surprises
- Limit sidebars
- Turn off cell phones/switch to non-ring mode

The SWG's goals as presented in the group's operating principles are:

1. If and when wolves establish in California, seek to conserve biologically sustainable populations of wolves in the state
2. Manage the distribution of wolves in the state where there is adequate habitat
3. Manage native ungulate populations in the state to provide abundant prey for wolves and other predators, intrinsic enjoyment by the public, and harvest opportunities for hunters
4. Manage wolf-livestock conflicts to minimize livestock losses
5. Communicate to the public that natural dispersal of wolves into California is reasonably foreseeable given the expanding populations in the Pacific Northwest, inform the public with science-based information of gray wolves and the conservation and management needs of wolves in California, as well as the effects of having wolves in the state

Welcome, Introductions and Logistics

The meeting facilitator, Mr. Sam Magill, welcomed the group, provided information on bathroom locations and coffee availability, and asked members to introduce themselves.

Review Agenda and Ground Rules/Operating Principles

Mr. Magill then went over the agenda and asked if members had additional items to add for discussion. None did, however some members expressed concern about the Department's process of providing proposed strategy information to some groups and not others. Department staff explained that because of the timing of the subgroup meetings, some groups may see some information before other groups. In addition, staff explained that any information contained in strategy documents at this time is preliminary, and not to be taken as final decisions by the Department. Members requested that the Department provide everyone in the SWG with copies of each subgroup's working strategy document, and staff agreed to do so tomorrow.

With respect to the remaining time available for discussing strategies, members also expressed concern that there may not be enough time remaining for robust discussions of difficult topics before the draft plan is scheduled to be released. Staff reminded members that two meetings per subgroup remain before the scheduled plan release, and that there may be some flexibility regarding when the draft will actually be released.

DFW Staff Updates

OR7: Oregon Dept. of Fish and Wildlife gave a press release confirming that OR7's mate is a wolf from northeastern Oregon. She is related to the Minam and Snake River packs there.

Dates for Future SWG and Subgroup Meetings: The following are scheduled meeting dates for the various subgroups:

- Conservation Subgroup: Sept. 16 and Oct. 12
- Wolf-Livestock Interactions Subgroup: Sept. 19 and Oct. 1
- Wolf-Ungulate Subgroup: Sept. 10 and October 14

Summary of Subgroup SWG Meetings/Future Meetings

The following summaries were provided by subgroup members who volunteered to present at today's meeting.

Wolf-Livestock Interactions (Presented by Ms. Karin Vardaman): The goal of the meeting was to discuss the proposed management strategies, and attempt to achieve consensus. We were unable to get through the entire document, and suggest we try to have more meetings, even outside those scheduled by the Department if necessary. We discussed the importance of explicitly defining terms from the strategy in the plan, and how much detail should be provided to producers with respect to wolf location information, as too much detail could possibly lead to harm of wolves, but too little detail may not be of use to the producers in preventing depredations.

Funding (Presented by Mr. Damon Nagami): This group held a conference call that lasted for 2 ½ hours. We began by discussing the document that Ms. Kovacs provided that lists the needs a wolf program would require for implementation of the plan. We then discussed existing funding sources the Department depends on for ongoing management activities, as well as potential other sources. One such possible source was a wolf stamp similar to that proposed in Montana, which would provide a way for the non-sporting community to contribute to wolf conservation and management. We also discussed a document produced by an NRDC intern which listed wolf program budgets in other states. A takeaway from the meeting was the possibility that the high interest in wolf conservation may provide an opportunity to garner support for increased funding for ungulate and habitat studies.

Continued Discussion of CWP Chapters

The most recent chapters distributed to members for their review were the Human Interactions and the Domestic Dogs chapters, for which staff have received members' comments, but have not completed review of; and Wolf Interactions With Other Wildlife, comments for which are due next week. The Introduction has been started but is not yet complete, and Diseases is nearly finished. The remaining chapters needing work are

the Executive summary which will be completed once the strategies are completed, Federal Land Management Coordination, Implementation and Reporting, and Research and Information Management.

Discussion of Depredation in California Fish and Game Code

For this discussion, Department staff presented a handout (see Appendix C) containing various sections from the Fish and Game Code that provide the definition of nongame mammals (which wolves will likely be designated) and the legal framework for take of nongame mammals causing damage to private property (which includes crops and livestock; FGC §4150 – 4155); the legal framework for take of fur-bearing mammals, elk, bear, beaver, pig, squirrels, or deer causing private property damage (FGC §4180 – 4190); and the legal framework for take of mountain lions which are specially protected in California (FGC §4800 – 4810). Also included in the handout were sections of the Food and Agricultural Code that similarly address issues of depredation in an agricultural context. Some sections of the handout were highlighted to demonstrate their particular relevance to the discussion of depredation.

The purpose of this discussion was to provide clarification to ensure that members know what the Department means when staff use the term depredation, what the Department's current authority is with respect to using lethal control for private property damage and public safety concerns by wildlife, and how the Department can make use of or authorize the use of agents for depredation of wildlife.

Questions presented by members are listed below, with responses from Department staff following in italics.

- How is “harmful” defined (as used in Fish and Game Code § 4153)?
 - *It is not specifically defined in Fish and Game Code, however § 671 of Title 14 defines “detrimental” as “those species listed (as restricted from importation, transportation, and possession) because they pose a threat to native wildlife, the agriculture interests of the state or to public health or safety.”*
- Are there any limitations on depredation of gray squirrels?
 - *Unless specified in FGCode we identify with the permit holder what is a reasonable number of animals or timeframe. Our goal is to try for long term solutions like plugging up holes they use to enter an attic.*
- With pigs, I thought you only had to have a pig tag to kill them, and a landowner didn't have to get a depredation permit.
 - *Tags are for hunting purposes. A landowner can, based on encountering a pig, dispatch it. It's called an encounter provision. Hunting though is*

another option we've used to reduce damage. Depending on the time of year we can suggest allowing hunters on the property for elk or bear.

- Where is livestock defined? Does it include hobby farms, pets, and chickens?
 - *It would be found in the Food and Agriculture Code.*
- Is there an accounting of how many depredation permits are issued per year and the reasons they are requested? It would be an interesting project for the Ungulate Subcommittee to look at to determine how many deer and elk are being depredated for agricultural damage. Also, are the outcomes of the issued permits recorded?
 - *The permits include an explanation of what damage was occurring, what measures were in place to prevent the damage from occurring, and what corrective measures will be taken to prevent it from reoccurring. The number of permits issued for deer has declined from around 2000 in the 1960s to 100-200 per year in the past two years. We are trying to go electronic with an online wildlife incident reporting system. Historically the reporting back has been poor. We knew how many permits were issued, but not what the fate of the animals was. We are working on cleaning that up.*
- With respect to relocating depredatory animals, if owners had requested a depredation permit, how likely would one have been issued, and under what circumstances?
 - *Often in the urban interface there are time constraints that preclude issuing a permit, so animals are more likely to be moved. In more remote areas there may be greater likelihood that a permit would be issued. The Department's decisions are often second guessed when the media is involved, but our first response is not to go kill an animal. Rather we try when possible to back off and let animals find their own way out of a situation. Public safety is an exception. Once an animal makes contact with a human they have crossed a threshold and are considered an imminent threat.*
- If wolves are listed under CESA, would this be the section of Fish and Game Code that would apply to wolves that are a threat to public safety, private property, or other listed species, or are those issues addressed in CESA?
 - *We haven't fully resolved that question. We are working with our legal staff to determine what is allowable and not allowable under existing code and regulations. We do not have experience with taking a CESA listed species for public safety or for private property damage, but we have taken a fully protected species – peregrine falcon – to protect a CESA listed species. We are hoping to have these questions resolved next week at our meeting.*

Presentation: Coordination Opportunities between CDFW and USFS

After lunch, Ms. Diana Craig gave members a presentation on coordination opportunities between the USFS and the Department (Appendix D). Ms. Craig is the Deputy Director of the Ecosystem Management staff headquartered in the Vallejo-Mare Island regional office of the Service's Pacific Southwest Region. Also in attendance from the USFS was Mr. Adam Rich, acting Wildlife Program Manager for the Region.

Key points from Ms. Craig's presentation included the following:

1. The Pacific Southwest Region occurs in California and includes 18 National Forests.
2. Elk are sparsely distributed in California forests, whereas deer are more widely distributed and occur in all of the forests here.
3. The USFS has a multi-use mandate that includes sustaining healthy ecosystems, and providing commodity and outdoor recreation opportunities.
4. Ecological restoration using thinning and prescribed fire to decrease fuel load and increase forest heterogeneity is the primary focus of the Pacific Southwest Region.
5. Ecological resilience through heterogeneity is a key goal. The USFS hopes for collaboration with agencies managing other lands in an "all lands" approach to achieving ecological resilience.
6. While coordinated at the regional level, each forest is managed independently. Each forest must have a strategic plan, and projects are developed to implement the forest plans. Forest plans identify components designed to maintain and restore USFS land and aquatic ecosystems, and provide for ecosystem services and multiple uses.
7. The 2012 Planning Rule guides revisions to the forest plans, and the USFS is trying to implement the rule slowly. The Inyo, Sierra, and Sequoia National Forests are the three currently being revised. Under the National Environmental Policy Act (NEPA) revisions are proposed, the public is notified of the intent to revise the plans, and public comment is taken on the proposed revisions. The revision efforts for these three forests under the 2012 Planning Rule will inform the efforts for revisions of subsequent forest plans, possibly in the northern Sierra, which would be a good time for this group to provide input with respect to wolf management needs.
8. With respect to wildlife management the objective is to maintain and improve wildlife and fish habitat through direct habitat improvement, reducing detrimental

effects on habitat by other uses and activities, mitigation of effects from other resource projects, and cooperation with states and other federal agencies on habitat management.

9. Examples of projects include prescribed burns, removal of encroaching conifers to restore meadows, stream channel restoration in meadows, and conifer and madrone thinning to reduce competition for oaks. These projects have been implemented in partnership with Rocky Mountain Elk Foundation, Mule Deer Foundation, and California Deer Association to improve ungulate habitat.
10. With respect to management of at-risk species, the USFS Rare Species Program has two components. One is to manage habitat for federally Threatened and Endangered species to achieve recovery objectives so that special measures are no longer necessary. The other component is to develop and implement management practices to ensure that Forest Service Sensitive species do not become listed under ESA because of USFS actions.
11. The USFS interacts with state resource agencies such as Water Resources, Fish and Wildlife, and CalFire in various capacities to strengthen the cooperative management of fish and wildlife habitats, in joint ventures, in conservation strategies, and many others.
12. The USFS interacts with the public under requirements of both the National Forest Management Act (NMFA) and NEPA. As a result the USFS tries to work collaboratively early on, with stakeholders helping to identify projects and how to implement and monitor them.
13. The USFS is funded via congressional subcommittee for their appropriated funds, via permanent trust funds, and via partnership funds. The total pot of money from appropriated funds has not changed much for many years, although the percent used for firefighting has increased from 14% to 40%, which cuts into funding for other purposes.
14. In Oregon and Washington, the USFS (Region 6) lists wolves as Forest Service Sensitive where they are federally delisted, and they are collaborating with the states on wolf management in those areas. Where still federally listed, the USFS consults with the USFWS to ensure their projects will not jeopardize wolves, and they focus on den and rendezvous sites as areas of priority concern.

Questions addressed to Ms. Craig are listed below, with responses in italics.

- In the Plumas National Forest a small fire burned and road that used to go in there was ripped up. Why would that be?
 - *We have a recently enacted Travel Management Rule that requires us to identify where roads occur, and where they are actually needed, because there are more roads than we have the capacity to maintain. Under that*

effort some roads are being removed. There may also be habitat and/or species management needs that lead to roads being removed. The local forest may be able to explain the reasons for that particular road removal.

- Does the revision of the three forest plans involve existing staff or has it required bringing in additional staff?
 - *We have hired a small team consisting of a planner, an editor, an ecologist, a wildlife biologist, a social scientist, and an economist. We also plan to do one Environmental Impact Statement for all three plan revisions.*
- How does the occurrence of a state or federally listed species on a forest affect the plan?
 - *We are mandated to help recover federally listed species. We are not legally obligated with state listed species unless they also have USFS designation as Sensitive. These are species we identify as at risk and potentially affected by our management, and many state listed species are given Forest Service Sensitive status. The designation will be changing to Species of Conservation Concern.*
- Can you speak to the monitoring plans that non-early adopting forests have to adopt?
 - *Each new plan will have a monitoring component that differs from the old monitoring plans under the 2012 Rule. In addition there is the opportunity for larger-scale monitoring if it is necessary to monitor beyond a forest's boundaries. Forests can link to neighboring forests in a bioregional approach as in a Sierra-wide monitoring. This is an opportunity to incorporate wolf habitat monitoring or other habitat monitoring needs. These monitoring plans are expected to be completed in 2016.*
- How do you mitigate for temporal loss of habitat from controlled burning?
 - *We can adjust the timing or phase in the implementation of a burn. We are also required to consult with the US Fish and Wildlife Service on federally listed species.*
- Can you explain more about the California Landscape Conservation Cooperative?
 - *These were designed by the Interior Dept. to integrate science and management particularly with regard to climate change and other stressors. They are identified throughout North America including Canada and Mexico, and are developed through local partnerships with some guidance from the USFWS. They focused less on ground based habitat improvements, and more on integrating science and management to inform project design.*
- Do your restoration projects require a full EIS?

- *We have Categorical Exclusions for certain types of projects when there are not a lot of concerns. There are Environmental Assessments when there are some concerns. And then if necessary, when there are a lot of concerns, we will do a full EIS.*
- How is Region 5 preparing for wolves in California?
 - *At this point we aren't doing a lot. The northern Sierra forests were in close contact with the USFWS when OR7 was in and out of the state. It will be of value to stay in touch as things proceed, but regardless of the state plan status wolves are still federally listed so we will consult with USFWS when necessary. If they do get federally delisted they will then become Forest Service Sensitive.*
- I haven't seen a lot of collaboration in the Northwest between the USFS and the CDFW in the development of the State Wildlife Action Plan (SWAP). How can the USFS incorporate more of the information the state has put together in the SWAP?
 - *It's my perspective that it would be best to have the USFS involved during the development so we know what is contained in the plan and we can then better ensure we incorporate them in our planning. We do typically involve regional CDFW in our project planning, so that is an opportunity for the local state biologist to have input.*
- At what point in the recolonization of wolves in California will conversations take place at the federal level, and what will be discussed? For example how will necessary protections be decided on?
 - *There will be Section 7 consultations in which the USFS and other federal agencies will consult with the USFWS with respect to implementing their projects.*
- We don't necessarily need to do habitat restoration for wolves, but we do need to for their prey species. Deer are declining and elk numbers are very low. The USFS can do as many early seral habitat projects as possible to bolster ungulate herds so wolves have something to eat.
 - *If the wolf plan defines target areas for restoration, and provides prioritization of projects that would be very helpful.*
- Regarding grazing allotments, how are they established, and how long are they good for? If we have wolves in California how will the USFS analyze for their presence before issuing an allotment?
 - *Our allotments have been established for many years. Some are inactive but most are active. We do periodic NEPA review but we are behind on that. Legally we can continue the allotment until the NEPA is completed. If a new listed species comes in we have to do Section 7 consultation and we do have to meet the species' needs.*

Wrap Up and Action Item Review

After the conclusion of the presentation, Mr. Magill listed the action items (below) and the meeting was adjourned.

- Department staff will provide all SWG members with current versions of the Ungulate, Conservation, and Wolf-Livestock strategies documents.
- Ms. Craig will provide Ms. Kovacs with a link to additional information on USFS budget for firefighting costs.

APPENDIX A WORKSHOP PARTICIPANTS

Name	Affiliation	Email
Stakeholders		
Marilyn Jasper	Sierra Club	marilyn.jasper@mlc.sierraclub.org
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**APPENDIX B
AGENDA**

California Department of Fish and Wildlife (DFW)
California Wolf Stakeholders Working Group (SWG) Meeting
DFW Training Room, 1740 N Market Blvd, Sacramento
September 9, 2014

10am-4pm

Objectives:

- Continue SWG input on draft CWP chapters
- Discuss Wolf Management Coordination/Restoration Opportunities with US Forest Service (USFS)
- Confirm depredation definition and allowable actions as described in FGC §§4150-4190
- Confirm California Wolf Plan (CWP) timeline, scheduling, and stakeholder commitments moving forward

Agenda

Gather in the meeting room	9:45
<ul style="list-style-type: none">• Welcome, Introductions and Logistics <i>Karen Kovacs, DFW</i> <i>Sam Magill, Kearns & West</i>	10:00
<ul style="list-style-type: none">• Review Agenda and Ground Rules/Operating Principles <i>Sam Magill, Kearns & West</i>	10:15
<ul style="list-style-type: none">• Updates: <i>DFW Staff</i><ol style="list-style-type: none">1. OR72. Dates for future SWG and Subgroup meetings3. Other as requested by SWG members	10:30
<ul style="list-style-type: none">• Summary of subgroup SWG meetings/future meetings<ol style="list-style-type: none">1. Wolf Conservation2. Wolf Ungulate3. Wolf Livestock- <i>Karin Vardaman</i>4. Funding- <i>TBD</i>5. Review Upcoming Meeting schedule- <i>Sam Magill</i>	10:45
<ul style="list-style-type: none">• Continued Discussion of CWP Chapters <i>DFW Staff</i> <i>All</i><ol style="list-style-type: none">1. SWG comments on Chapters	11:15

2. Review Chapter/Draft Release Schedule

- Discussion of Depredation Issues 11:45
DFW Staff
All
 1. What is the official definition of depredation as establish in Fish and Game Code (FGC)?
 2. What type of depredation actions are allowed under FGC?
 3. Who is allowed to take action according to FGC?

LUNCH 1:30

- Presentation: Coordination Opportunities between DFW and USFS 2:30
Diana Craig, USFS
- Public Questions 3:45
All
- Wrap Up and Action Item Review 3:55
Sam Magill, Kearns & West

Adjourn 4:00

APPENDIX C
CALIFORNIA FISH AND GAME CODE SECTIONS

FISH AND GAME CODE

Chapter 3 Nongame Mammals and Depredators

Article 1. Nongame Mammals

4150. Definition of Nongame Mammals; Take or Possess

All mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-bearing mammals, are nongame mammals. Nongame mammals or parts thereof may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission.

4151. House Cats Found Within Limits of Refuge

Any house cat (*Felis domesticus*) found within the limits of any fish and game refuge is a nongame mammal, unless it is in the residence of its owner or upon the grounds of the owner adjacent to such residence.

4152. Taking of Nongame Mammals found Injuring Crops or Property

(a) Except as provided in Section 4005, nongame mammals and black-tailed jackrabbits, muskrats, subspecies of red fox that are not the native Sierra Nevada red fox (*Vulpes vulpes necator*), 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 and regulations adopted pursuant to this code by the owner or tenant of the premises or employees and agents in immediate possession of written permission from the owner or tenant thereof.

They may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city officers or employees when acting in their official capacities pursuant to the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code. Persons taking mammals in accordance with this section are exempt from Section 3007, except when providing trapping services for a fee. Raw furs, as defined in Section 4005, that are taken under this section, shall not be sold.

(b) Traps used pursuant to this section shall be inspected and all animals in the traps shall be removed at least once daily. The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.

4153. Control of Harmful Nongame Mammals

The department may enter into cooperative agreements with any agency of the state or the United States for the purpose of controlling harmful nongame mammals. The department may take any mammal which, in its opinion, is unduly preying upon any bird, mammal, or fish.

4154. Contracts and Expenditures for Control of Harmful Nongame Mammals

The department may enter into cooperative contracts with the United States Fish and Wildlife Service in the Department of the Interior in relation to the control of nongame mammals and for that purpose may expend any money made available to the department for expenditure for control or eradication of nongame mammals.

4155. Bobcat Protection Act of 2013

(a) Beginning January 1, 2014, 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 area surrounding Joshua Tree National Park, defined as follows: East and South of State Highway 62 from the intersection of Interstate 10 to the intersection of State Highway 177; West of State Highway 177 from the intersection of State Highway 62 to the intersection with Interstate 10; North of Interstate 10 from State Highway 177 to State Highway 62.

(b) (1) Through the commission's next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014, the commission shall amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries of each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited.

(2) Commencing January 1, 2016, the commission shall consider whether to prohibit bobcat trapping within, and adjacent to, preserves, state conservancies, and any additional public or private conservation areas identified to the commission by the public as warranting protection. The commission, as necessary, shall amend its regulations through its next subsequently scheduled mammal hunting and trapping rulemaking process to prohibit bobcat trapping in any area determined by the commission to warrant protection.

(3) The commission shall delineate the boundaries of an area in which bobcat trapping is prohibited pursuant to paragraph (1) or (2) using readily identifiable features, such as highways or other major roads, such as those delineated for Joshua Tree National Park in subdivision (a).

(c) The prohibition on the trapping of bobcats in the areas designated pursuant to subdivisions (a) and (b) shall not apply to the taking of any bobcat by employees of the department acting in an official capacity, to a taking in accordance with the conditions of a scientific, educational, or propagation permit pursuant to Section 1002 by the holder of that permit, or to the lawful taking of bobcats found to be injuring crops or other property pursuant to Section 4152 or other provisions of this code or regulations adopted pursuant to this code.

(d) Notwithstanding Section 2016 or any other provisions of this code, on and after January 1, 2014, it shall be unlawful to trap any bobcat, or attempt to do so, on any private land not belonging to the trapper without the express written consent of the owner of that property. The placing or possession of any trap or the possession of a bobcat or part thereof on any land is prima facie evidence of a violation of this subdivision.

(e) Consistent with the requirements of subdivision (c) of Section 4006, the commission shall set trapping license fees and associated fees, including, but not limited to, shipping tags required pursuant to Section 479 of Chapter 6 of Subdivision 2 of Division 1 of Title 14 of the California Code of Regulations, for the 2014-15 season, and any subsequent seasons in which bobcat trapping is allowed, at the levels necessary to fully recover all reasonable administrative and implementation costs of the department and the commission associated with the trapping of bobcats in the state, including, but not limited to, enforcement costs.

(f) This section does not limit the ability of the department or the commission to impose additional requirements, restrictions, or prohibitions related to the taking of bobcats, including a complete prohibition on the trapping of bobcats pursuant to this code.

Article 2. Depredators

4180. Take Fur-bearing Mammals; Conditions; Use of Leghold Steel-jawed Traps; Removal of Animals in the Trap

(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. Raw furs, as defined in Section 4005, that are taken under this section, shall not be sold.

(b) Traps used pursuant to this section shall be inspected and all animals in the traps shall be removed at least once daily. The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.

4180.1. Manners of Taking Immature Depredator Mammals

It is unlawful to use snares, hooks, or barbed wire to remove from the den, or fire to kill in the den, any immature depredator mammal.

Nothing in this section shall prohibit the use of fire-ignited gas cartridges or other products registered or permitted under the Federal Insecticide, Rodenticide, and Fungicide Act (7 U.S.C. 135 et seq.).

4181. Kill Elk, Bear, Beaver, Wild Pig, or Gray Squirrels Damaging Property; Permit Required

(a) Except as provided in Section 4181.1, any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, wild pig, wild turkeys, or gray squirrels, may apply to the department for a permit to kill the animals. Subject to the limitations in subdivisions (b) and (d), the department, upon satisfactory evidence of the damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of the animals under regulations adopted by the commission. The permit shall include a statement of the penalties that may be imposed for a violation of the permit conditions. Animals so taken shall not be sold or shipped from the premises on which they are taken except under instructions from the department. No iron-jawed or steel-jawed or any type of metal-jawed trap shall be used to take any bear pursuant to this section. No poison of any type may be used to take any gray squirrel or wild turkey pursuant to this section. The department shall designate the type of trap to be used to ensure the most humane method is used to trap gray squirrels. The department may require trapped squirrels to be released in parks or other nonagricultural areas. It is unlawful for any person to violate the terms of any permit issued under this section.

(b) The permit issued for taking bears pursuant to subdivision (a) shall contain the following facts:

- (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.

(c) With respect to wild pigs, the department shall provide an applicant for a depredation permit to take wild pigs or a person who reports taking wild pigs pursuant to subdivision (b) of Section 4181.1 with written information that sets forth available options for wild pig control, including, but not limited to, depredation permits, allowing periodic access to licensed hunters, and holding special hunts authorized pursuant to Section 4188. The department may maintain and make available to these persons lists of licensed hunters interested in wild pig hunting and lists of nonprofit

organizations that are available to take possession of depredated wild pig carcasses.

(d) With respect to elk, the following procedures shall apply:

(1) Prior to issuing a deprecation 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.

(C) Determine the viability of the local herd, and determine the minimum population level needed to maintain the herd.

(D) Ensure the permit will not reduce the local herd below the minimum.

(E) Work with affected landowners to develop measures to achieve long-term resolution, while maintaining viability of the herd.

(2) After completing the statewide elk management plan pursuant to Section 3952, the department shall use the information and methods contained in the plan to meet the requirements of subparagraphs (C), (D), and (E) of paragraph (1).

4181.1. Take Bear or Wild Pig in Act of Injuring Livestock; Reporting Requirement, etc.

(a) Any bear that is encountered while in the act of inflicting injury to, molesting, or killing, livestock may be taken immediately by the owner of the livestock or the owner's employee if the taking is reported no later than the next working day to the department and the carcass is made available to the department.

(b) Notwithstanding Section 4652, any wild pig that is encountered while in the act of inflicting injury to, molesting, pursuing, worrying, or killing livestock or damaging or destroying, or threatening to immediately damage or destroy, land or other property, including, but not limited to, rare, threatened, or endangered native plants, wildlife, or aquatic species, may be taken immediately by the owner of the livestock, land, or property or the owner's agent or employee, or by an agent or employee of any federal, state, county, or city entity when acting in his or her official capacity. The person taking the wild pig shall report the taking no later than the next working day to the department and shall make the carcass available to the department. Unless otherwise directed by the department and notwithstanding Section 4657, the person taking a wild pig pursuant to this subdivision, or to whom the carcass of a wild pig taken pursuant to this subdivision is transferred pursuant to subdivision (c), may possess the carcass of the wild pig. The person in possession of the carcass shall make use of the carcass, which may include an arrangement for the transfer of the carcass to another person or entity, such as a nonprofit organization, without compensation. The person who arranges this transfer shall be deemed to be in compliance with Section 4304. A violation of this subdivision is punishable pursuant to Section 12000. It is the intent of the Legislature that nothing in this subdivision shall be interpreted to authorize a person to take wild pigs pursuant to this subdivision in violation of a state statute or regulation or a local zoning or other ordinance that is adopted pursuant to other provisions of law and that restricts the discharge of firearms.

(c) The department shall make a record of each report made pursuant to subdivision (a) or (b) and may have an employee of the department investigate the taking or cause the taking to be investigated. The person taking a wild pig shall provide information as deemed necessary by the department. Upon completion of the investigation, the investigator may, upon a finding that the requirements of this section have been met with respect to the particular bear or wild pig taken under subdivision (a) or (b), issue a written statement to the person confirming that the requirements of this section have

been met. The person who took the wild pig may transfer the carcass to another person without compensation.

(d) Notwithstanding Section 4763, any part of any bear lawfully possessed pursuant to this section is subject to Section 4758.

(e) Nothing in this section prohibits federal, state, or county trappers from killing or trapping bears when the bears are killing or molesting livestock, but no iron-jawed or steel-jawed or any type of metal-jawed trap shall be used to take the bear, and no person, including employees of the state, federal, or county government, shall take bear with iron-jawed or steel-jawed or any type of metal-jawed traps.

4181.2. Damage by Wild Pigs Defined.

For the purposes of this article relating to damage caused by wild pigs, "damage" means loss or harm resulting from injury to person or property. The department shall develop statewide guidelines to aid in determining the damage caused by wild pigs. The guidelines shall consider various uses of the land impacted by pigs.

4181.5. Take Deer Damaging or Destroying Land; Permit, etc.

(a) Any owner or tenant of land or property that is being damaged or destroyed or is in immediate danger of being damaged or destroyed by deer may apply to the department for a permit to kill those deer. The department, upon satisfactory evidence of that damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of those deer for a designated period not to exceed 60 days under regulations promulgated by the commission.

(b) The regulations of the commission shall include provisions concerning the type of weapons to be used to kill the deer. The weapons shall be those as will ensure humane killing, but the regulations of the commission shall provide for the use of a sufficient variety of weapons to permit the designation of particular types to be used in any particular locality commensurate with the need to protect persons and property. Firearms using .22-caliber rimfire cartridges may be used only when authorized by the director or his designee. No pistols shall be used. The caliber and type of weapon to be used by each permittee shall be specified in each permit by the issuing officer who shall take into consideration the location of the area, the necessity for clean kills, the safety factor, local firearms ordinances, and other factors that apply. Rifle ammunition used shall have expanding bullets; shotgun ammunition shall have only single slugs, or, if authorized by the department, 0 or 00 buckshot.

(c) The department shall issue tags similar to those provided for in Section 4331 at the same time the permit is issued. A permittee under this section shall carry the tags while hunting deer, and upon the killing of any deer, shall immediately fill out both parts of the tag and punch out clearly the date of the kill. One part of the tag shall be immediately attached to the antlers of antlered deer or to the ear of any other deer and kept attached until 10 days after the permit has expired. The other part of the tag shall be immediately sent to the department after it has been countersigned by any person authorized by Section 4341.

(d) A permit issued pursuant to this section may be renewed only after a finding by the department that further damage has occurred or will occur unless that permit is renewed. A person seeking renewal of the permit shall account for all prior tags issued at the time he or she received any prior permits, and if any tags are unused, he or she shall show either that any deer killed could not reasonably be tagged or why the killing was not accomplished within the allotted time and why that killing would be accomplished under a new time period.

4185. Take Bears Near Beehives in Riverside or San Bernardino Counties; Conditions; Trap Requirements; etc.

In any district or part of a district within San Bernardino and Riverside Counties, bears may be taken at any time with traps within a good and substantial fence, as such fence is described in Section 17121 of the Food and Agricultural Code, surrounding beehives, if no part of the fence is at a distance greater than 50 yards from a beehive, and if a conspicuous sign is posted and maintained at each entrance to the enclosed premises to give warning of the presence of the traps. No iron or steel-jawed or any type of metal-jawed trap shall be used to take bear under this section.

4186. Take Cottontail or Brush Rabbits Damaging Crops or Forage

Nothing in this code prohibits the owner or tenant of land, or any person authorized in writing by that owner or tenant, from taking cottontail or brush rabbits during any time of the year when damage to crops or forage is being experienced on that land. Any person other than the owner or tenant of the land shall have in possession when transporting rabbits from the property, written authority from the owner or tenant of land where those rabbits were taken. Rabbits taken under this section shall not be sold.

4188. Permits for Licensed Hunters to Take Wild Pigs or Deer

(a) If a landowner or tenant applies for a permit under Section 4181 for wild pigs or wild turkeys, or under Section 4181.5 for deer, the department shall notify the landowner or tenant about available options for allowing access by licensed hunters, including, but not limited to, access authorized pursuant to Article 3 (commencing with Section 1570) of Chapter 5 of Division 2 to control wild pigs, wild turkeys, and deer.

(b) The commission, in lieu of a permit as described in subdivision (a), and with the consent of, or upon the request of, the landowner or tenant, under appropriate regulations, may authorize the issuance of permits to persons holding valid hunting licenses to take wild pigs, wild turkeys, or deer in sufficient numbers to stop the damage or threatened damage. Before issuing permits to licensed hunters, the department shall investigate and determine the number of permits necessary, the territory involved, the dates of the proposed hunt, the manner of issuing the permits, and the fee for the permit.

4190. I.D. of Relocated Depredatory Mammals

The department shall tag, brand, or otherwise identify in a persistent and distinctive manner any large depredatory mammal relocated by, or relocated with the approval of, the department for game management purposes.

Chapter 10. Mountain Lions

4800. Take, Injure, Possess, Transport, Import, Sell, etc.; Exceptions; Punishments

(a) The mountain lion (genus Puma) is a specially protected mammal under the laws of this state.

(b) (1) It is unlawful to take, injure, possess, transport, import, or sell any mountain lion or any part or product thereof, except as specifically provided in this chapter or in Chapter 2 (commencing with Section 2116) of Division 3.

(2) This chapter does not prohibit the sale or possession of any mountain lion or any part or product thereof, when the owner can demonstrate that the mountain lion, or part or product thereof, was in the person's possession on June 6, 1990.

(3) This chapter does not prohibit the possession of a mountain lion carcass or any part or product of a mountain lion carcass, if all of the following requirements are met:

(A) The carcass or carcass part or product is prepared or being prepared for display, exhibition, or storage, for a bona fide scientific or educational purpose, at a nonprofit museum or government-owned facility generally open to the public or at an educational institution, including a public or private postsecondary institution.

(B) The mountain lion was taken in California consistent with the requirements of this chapter and any other applicable law.

(C) The department has authorized the possession of the carcass or carcass part or product for the purposes of this paragraph.

(c) Any violation of this section is a misdemeanor punishable by imprisonment in the county jail for not more than one year, or a fine of not more than ten thousand dollars (\$10,000), or by both that fine and imprisonment. An individual is not guilty of a violation of this section if it is demonstrated that, in taking or injuring a mountain lion, the individual was acting in self-defense or in defense of others.

(d) Section 219 does not apply to this chapter. Neither the commission nor the department shall adopt any regulation that conflicts with or supersedes any of the provisions of this chapter.

4801. Take or Remove Mountain Lion Perceived as Threat to Public Safety

The department may remove or take any mountain lion, or authorize an appropriate local agency with public safety responsibility to remove or take any mountain lion, that is perceived to be an imminent threat to public health or safety or that is perceived by the department to be an imminent threat to the survival of any threatened, endangered, candidate, or fully protected sheep species.

4801.5. Mountain Lion Not Designated as Imminent Threat to Public Safety; Use of Nonlethal Procedures Required

(a) Unless authorized in this chapter, nonlethal procedures shall be used when removing or taking any mountain lion that has not been designated as an imminent threat to public health or safety.

(b) For purposes of this chapter, "imminent threat to public health or safety" means a situation where a mountain lion exhibits one or more aggressive behaviors directed toward a person that is not reasonably believed to be due to the presence of responders.

(c) For purposes of this chapter, "nonlethal procedures" means procedures that may include, but are not limited to, capturing, pursuing, anesthetizing, temporarily possessing, temporarily injuring, marking, attaching to or surgically implanting monitoring or recognition devices, providing veterinary care, transporting, hazing, rehabilitating, releasing, or taking no action.

(d) The department may, as the department determines is necessary to protect mountain lions or the public, authorize qualified individuals, educational institutions, governmental agencies, or nongovernmental organizations to implement nonlethal procedures on a mountain lion in accordance with subdivision (a).

4802. Report of Injury to Livestock by Mountain Lion

Any person, or the employee or agent of a person, whose livestock or other property is being or has been injured, damaged, or destroyed by a mountain

lion may report that fact to the department and request a permit to take the mountain lion.

4803. Depredation Confirmation Report

Upon receipt of a report pursuant to Section 4802, the department, or any animal damage control officer specifically authorized by the department to carry out this responsibility, shall immediately take the action necessary to confirm that there has been depredation by a mountain lion as reported. The confirmation process shall be completed as quickly as possible, but in no event more than 48 hours after receiving the report. If satisfied that there has been depredation by a mountain lion as reported, the department shall promptly issue a permit to take the depredating mountain lion.

4804. Conditions for Permit to Take Depredating Mountain Lion

In order to ensure that only the depredating mountain lion will be taken, the department shall issue the permit pursuant to Section 4803 with the following conditions attached:

- (a) The permit shall expire 10 days after issuance.
- (b) The permit shall authorize the holder to begin pursuit not more than one mile from the depredation site.
- (c) The permit shall limit the pursuit of the depredating mountain lion to within a 10-mile radius from the location of the reported damage or destruction.

4805. Oral Authorization for Pursuit and Taking of Depredating Mountain Lion

Whenever immediate authorization will materially assist in the pursuit of the particular mountain lion believed to be responsible for the depredation reported pursuant to Section 4802, the department or the animal damage control officer may orally authorize the pursuit and taking of the depredating mountain lion, and the department shall issue a written permit for the period previously authorized as soon as practicable after the oral authorization.

4806. Reporting Period for Captured, Injured, or Killed Mountain Lion

Any person issued a permit pursuant to Section 4803 or 4805 shall 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 practicable, in writing within five days after the capturing, injuring, or killing of the mountain lion. At the time of making the report of the capturing, injuring, or killing, the holder of the permit shall make arrangements to turn over the mountain lion or the entire carcass of the mountain lion which has been recovered to a representative of the department and shall do so in a timely manner.

4807. Immediate Taking of Mountain Lions; Conditions

(a) Any mountain lion that is encountered while in the act of pursuing, inflicting injury to, or killing livestock, or domestic animals, may be taken immediately by the owner of the property or the owner's employee or agent. The taking shall be reported within 72 hours to the department. The department shall investigate the depredation, and, if the mountain lion was captured, injured, or killed, the mountain lion or the entire carcass of the mountain lion which has been recovered shall be turned over to the department. Upon satisfactorily completing the investigation and receiving the mountain lion or the carcass, if recovered, the department shall issue a permit confirming that the requirements of this section have been met with respect to the particular mountain lion taken under these circumstances.

(b) The department shall undertake a complete necropsy on any returned mountain lion carcass and report the findings to the commission. The commission shall compile the reported findings and prepare an annual written report that shall be submitted to the Legislature not later than the January 15 next following the year in which the mountain lion was taken.

4808. Agent

As used in this chapter, "agent" means the agent or employee of the owner of the damaged or destroyed property, any county or city predator control officer, any employee of the Animal Damage Control Section of the United States Department of Agriculture, any departmental personnel, or any authorized or permitted houndsman registered with the department as possessing the requisite experience and having no prior conviction of any provision of this code or regulation adopted pursuant to this code. A plea of nolo contendere is a conviction for purposes of this section.

4809. Means by Which Mountain Lion Taken

Mountain lions authorized to be taken pursuant to this chapter shall be taken by the most effective means available to take the mountain lion causing the damage or destruction, except that no mountain lion shall be taken by means of poison, leg-hold or metal-jawed traps, and snares.

4810. Mountain Lion; Authorized Research Project; Permits and Conditions

(a) As used in this section:

(1) "Authorized research project" means a research project involving mountain lions subject to a Scientific Collecting Permit issued in accordance with this section.

(2) "Permitholder" means a person to whom the department has issued a Scientific Collecting Permit in accordance with this section.

(3) "Scientific Collecting Permit" or "permit" means a permit issued pursuant to Section 1002 for a research project involving mountain lions in accordance with this section.

(b) The department may authorize qualified individuals, educational institutions, governmental agencies, or nongovernmental organizations to conduct scientific research involving mountain lions pursuant to a Scientific Collecting Permit as provided in Section 1002.

(c) The department may authorize permitholders to pursue, capture, temporarily possess, temporarily injure, mark, attach to or surgically implant monitoring or recognition devices in, provide veterinary care to, and transport, mountain lions, or any part or product of a mountain lion.

(d) In addition to the requirements in Section 1002, an authorized research project shall be designed to do the following:

(1) Contribute to the knowledge of natural wildlife ecosystems.

(2) Minimize disruptions in the lives and movements of mountain lions and other wildlife, as well as impacts to mountain lion or other wildlife habitat, while maintaining the permitholder's research objectives.

(3) Directly or indirectly support the sustainability and survival of mountain lion populations and healthy ecosystems.

(4) Prevent the permanent injury or killing of any mountain lion.

(e) An authorized research project shall be governed by the Scientific Collecting Permit. The permit shall include, at a minimum, proposed research methods and recordkeeping procedures that address the following:

(1) The capture of, anesthetization of, collection of diagnostic samples from, and transport of, mountain lions or parts and products thereof, and the attaching to or surgically implanting monitoring or recognition devices or markings in, and providing veterinary care as required for the health, safety, and humane treatment of, animals affected by the research project.

(2) The recording of the adverse effects of authorized research procedures on mountain lions and other wildlife.

(3) The qualifications of onsite personnel necessary for carrying out authorized research procedures. A permit applicant shall submit verifiable documentation demonstrating that at least one onsite staff person has at least one year of experience in proposed research methods that involve activities described in subdivision (c).

(4) Annual and final reports to the department.

(f) The department shall notify the public at least 30 days prior to the issuance of a permit, and, upon request, shall make available to the public copies of the permit and annual and final reports.

(g) The department shall handle any mortality or permanent injury to a mountain lion as a result of research authorized pursuant to this section in a manner consistent with the reporting and processing requirements imposed in Section 4807.

FOOD AND AGRICULTURAL CODE

Chapter 9. Specific Pest Control and Abatement Provisions

Article 6.5 Vertebrate Pest Control Research

6025. The Legislature hereby finds and declares all of the following:

(a) The continued viability of the agricultural economy is of paramount importance to the people of this state.

(b) Vertebrate pests cause an estimated two hundred million dollars (\$200,000,000) damage to agricultural crops each year, and without effective controls, the losses and damage could reach one billion dollars (\$1,000,000,000) annually.

(c) The use of materials to control vertebrate pests benefits the public health by preventing rodent-borne diseases that could be transmitted, and be injurious, to humans.

(d) County departments of agriculture have historically provided vertebrate pest control materials to the agricultural community.

(e) Recent changes in the federal law require the development of extensive data and the payment of registration fees in order to register these materials, and these requirements are costly. Research studies to develop this data will be required if these valuable control materials are to be maintained.

(f) It is appropriate that the necessary research be funded by an assessment on the vertebrate pest control materials for which these studies are required.

6025.2. For purposes of this article, "vertebrate pest" means any species of mammal, bird, reptile, amphibian, or fish that causes damage to agricultural, natural, or industrial resources, or to any other resource, and to the public health or safety.

6025.3. For purposes of this article, "research" means basic and applied research. Basic research is experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundation of phenomena and observable facts, without any particular application or use in view. Applied research is also original investigation undertaken in order to acquire new knowledge, but it is conducted to solve practical problems or objectives.

6025.4. (a) Notwithstanding Section 597u of the Penal Code, carbon monoxide may be used for the control of burrowing rodent pests, provided the following conditions are met:

(1) The carbon monoxide delivery device shall be permanently affixed with a warning label in plain view of the operator that includes, at a minimum, the following information:

DANGER: Carbon monoxide is a poisonous gas that is odorless and colorless. Exposure to carbon monoxide can kill within minutes. Never use in structures inhabited by humans or livestock. The device must be used in accordance with all existing laws and regulations including Chapter 1.5 (commencing with Section 2050) of Division 3 of, known as the California Endangered Species Act, and Sections 4002

and 4003 of, the Fish and Game Code.

(2) The use of carbon monoxide is subject to the requirements of Chapter 1.5 (commencing with Section 2050) of Division 3 of, known as the California Endangered Species Act, and Sections 4002 and 4003 of, the Fish and Game Code, and the requirements of Division 6 (commencing with Section 11401) and Division 7 (commencing with Section 12500).

(b) This section shall become inoperative on January 1, 2018, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

6025.5. (a) The secretary shall establish and administer a research program to control vertebrate pests that pose a significant threat to the welfare of the state's agricultural economy, infrastructure, and the public.

(b) The specific purposes of the program include all of the following:

(1) The investigation of effective and economical alternative materials for the control of vertebrate pests, including carbon monoxide to control burrowing rodent pests.

(2) The solicitation and consideration of research proposals for alternative humane methods of control.

(3) The continuation of current vertebrate pest control product registration at the state level until alternative products are developed that prove to be effective and economical.

(4) The funding of research for the development of scientific data to fulfill registration requirements.

(5) Cooperation with the United States Department of Agriculture in funding research programs to maintain, develop, and register vertebrate pest control materials used in this state.

6026. The secretary shall establish the Vertebrate Pest Control Research Advisory Committee consisting of the following members, appointed by the secretary, to serve at the pleasure of the secretary:

(a) One representative of the department.

(b) One representative of the California Agricultural Commissioners and Sealers Association.

(c) Five representatives of the agricultural industry representing affected commodities.

(d) One representative of the University of California.

(e) One representative of the California State University.

(f) One representative of the State Department of Health Services.

(g) One representative of the general public, with consideration given to a person with expertise in animal welfare.

6026.5. On or before December 31 of each year, the committee shall recommend to the secretary priorities for conducting various vertebrate pest control research projects and the amount of the assessment necessary to carry out those research projects.

6027. There is hereby created the Vertebrate Pest Control Research Account in the Department of Food and Agriculture Fund.

Notwithstanding Section 13340 of the Government Code, the money in the account is continuously appropriated to the secretary for purposes of carrying out this article. Notwithstanding any other provision of law, the moneys in the account shall not be transferred to any other fund or encumbered or expended for any purpose other than as provided in this article.

6027.1. Expenditure of funds pursuant to this article shall be limited to the following:

(a) Reasonable administrative and operational expenses of the committee and the department, subject to the recommendation of an annual budget by the committee and approval by the secretary.

(b) Federal and state regulatory fees for the continued registration of vertebrate pest control materials and the registration of new materials.

(c) Basic and applied research as described in Section 6025.3.

(d) Educational outreach on the subject of vertebrate pest control methods, including, but not limited to, the safe use of carbon monoxide to control burrowing rodent pests.

6027.5. During the calendar year, each commissioner shall pay to the secretary a fee not to exceed fifty cents (\$0.50) per pound of vertebrate pest control material sold, distributed, or applied by the county for vertebrate pest control purposes, less the amount necessary to recover the cost of complying with the provisions of this article, as determined by the secretary. No assessment shall be imposed on the sale or on the distribution of vertebrate pest control material by a county agricultural commissioner to another commissioner. Vertebrate pest control material registered by the secretary may only be sold or distributed by a county agricultural commissioner or as authorized by the secretary.

The secretary may set a different level of assessment in the amount necessary to provide revenue for the vertebrate pest control research projects carried out pursuant to this article only if the secretary, at a minimum, has consulted with the Vertebrate Pest Control Research Advisory Committee. The new level of assessment may only commence at the beginning of the subsequent calendar year. However, the assessment shall not exceed one dollar (\$1) per pound of vertebrate control material sold, distributed, or applied by the county for vertebrate pest control purposes. To assist the advisory committee in making its recommendations, the department shall submit a progress report to the members of the advisory committee at least 30 days prior to each meeting of the advisory committee. The report shall include, but is not limited to, data on research that has been, or is proposed to be, conducted and statements regarding the necessity for that research. This section does not preclude the department from preparing and distributing additional reports that may be requested by the advisory committee.

6028. The assessment payments required pursuant to Section 6027.5, together with a report of the amount of vertebrate pest control materials sold, distributed, or applied during the previous six-month period, shall be made biannually by each commissioner to the

secretary within one calendar month after June 30 and December 31 of each year.

6029. This article shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2016, deletes or extends that date.

**APPENDIX D
USFS PRESENTATION**

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**US Forest Service
Pacific Southwest Region
Presentation to the California Wolf
Stakeholder Working Group**

September 9, 2014





Slide 4



Slide 2

Topics

- National Forest System (NFS) lands in northern California
- Ungulate habitat on NFS lands in California
- Management on NFS lands
- Wildlife management on NFS lands
- USFS interaction with state resource agencies
- USFS interaction with the public
- How the USFS is funded
- Wolf management on NFS lands in Oregon and Washington

Slide 5

**Ungulate habitat
on NFS lands in California**



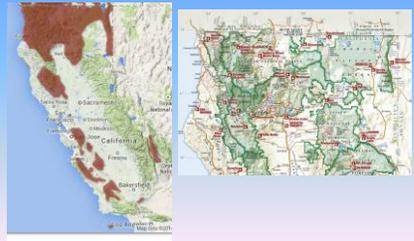
Slide 3

**NFS lands in California
– 18 National Forests**

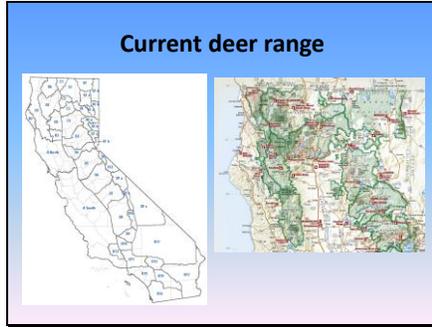


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Current elk range



Slide 7



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Management on NFS lands - LRMPs

- Each National Forest is governed by a Land and Resource Management Plan (LRMP)
 - Strategic plans required by the National Forest Management Act (NFMA) to guide management of National Forests
 - Intended to be revised approximately every 15 years
- Each of the 18 in California currently have a LRMP developed under the 1982 Planning Rule

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Management on NFS lands

- USFS Mission: to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations.
- NFS lands are managed using a multiple-use approach that sustains healthy terrestrial and aquatic ecosystems and addresses the need for resources, commodities, and services.
 - national forests are established & administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes (*Multiple-use Sustained-Yield Act of 1960*)

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Each LRMP identifies components designed to maintain and restore NFS land and water ecosystems while providing for ecosystem services and multiple uses, by

- ✓ Providing for the sustainability of ecosystems & resources
- ✓ Meeting the need for
 - forest restoration and conservation
 - Watershed protection
 - Species diversity and conservation
- ✓ Assisting the Agency in providing a sustainable flow of benefits, services, and uses of NFS lands that provide jobs and contribute to the economic and social sustainability of communities

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Ecological Restoration

"... retain and restore ecological resilience of the National Forest lands to achieve sustainable ecosystems that provide a broad range of services to humans and other organisms." including...

- ❖ forest thinning and prescribed fire to decrease fuel loading and increase forest heterogeneity;
- ❖ Meadow and riparian restoration to improve watershed function;
- ❖ invasive species eradication;
- ❖ wildlife and fish habitat improvement.

➤ All-Lands approach – Collaboration across ownerships and jurisdictions to achieve Ecological Restoration



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2012 Planning Rule

- The Forest Service adopted a new planning rule in 2012
 - Collaborative and science-based development
 - Amendment and revision of land management plans.
 - Promote healthy, resilient, diverse, and productive national forests and grasslands
 - Social, economic, and ecological benefits now and for future generations.

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3 Early Adopter Forests

3 Phase Process:

- assessment
- plan revision
- monitoring

➤ All-lands context

➤ Collaboration

Sierra Nevada Bioregion

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Partnerships - elk



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Plan Components

- Desired Conditions
- Objectives
- Standards
- Guidelines
- Suitability of lands

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Project examples

- **Modoc National Forest** — Prescribe burn 1,000 acres to improve habitat quality in the Crowder Block area.
- **Shasta Trinity National Forest** — Remove encroaching conifer to restore meadows and aspen stands used by elk and other wildlife in the Burney Gardens area; restore 1,000 feet of stream channels to improve water sources in the Harlow Meadows area.



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Wildlife Management on NFS Lands

Objective: To maintain and improve wildlife and fish habitat as identified in the Forest Plan

- Carry out direct habitat improvement projects to achieve wildlife and fisheries objectives.
- Coordinate with other uses and activities to accomplish habitat management objectives and to reduce detrimental effects on wildlife and fisheries.
- Mitigate the negative effects of other resource projects upon wildlife and fish habitat.
- Cooperate with States, other Federal agencies, and private groups to plan and accomplish habitat management.

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Partnerships – mule deer



CALIFORNIA DEER ASSOCIATION CDA

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Project examples

- **Klamath National Forest – Fish Meadows Restoration**
 - Thin conifers and madrone trees to reduce competition to oaks, reduce meadow encroachment, and decrease the chances for high-intensity fires.
- **Plumas National Forest – Sloat Deer herd prescribed fire**
 - revitalize mule deer summer and winter range habitat for the Sloat Deer Herd through prescribed fire within a large brush field

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USFS interaction with the public

- The NFMA requires public participation in land management planning.
- The NEPA process requires public participation.
- Collaboration and Partnerships
 - CFLR – Collaborative Forest Landscape Restoration projects
 - Sierra-Cascades Dialogue
 - Projects



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Management of Threatened, Endangered, & Sensitive (TES) Species on NFS Lands



- Manage NFS habitats and activities for Federal T&E species to achieve recovery objectives so that special protection measures provided under the ESA are no longer necessary.
- Develop & implement management practices to ensure that species do not become T&E because of Forest Service actions. (*Forest Service Sensitive species / Species of Conservation Concern*)



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How the USFS is funded

- Appropriated Funds (annual)
 - *via Congressional Subcommittee on Appropriations—Interior, Environment, and Related Agencies*
- Permanent and Trust funds
 - *specific laws allow the USFS to collect and use identified funds for specific purposes*
- Partnership Funds

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USFS interaction with state resource agencies

- Collaboration with various state resources agencies
 - *CDFW, Cal-Fire, Department of Water Resources, etc.*
- MOU with CDFW
 - *to strengthen the cooperative management of fish, wildlife, plants, and their habitats on NFS lands*
- Joint Participation in State Partnership efforts, including
 - *California Landscape Conservation Cooperative*
 - *Joint Ventures*
 - *Southern Sierra Nevada Fisher Conservation Strategy*

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Wolf management on NFS lands in Oregon and Washington

- Wolves have been delisted from the ESA in eastern Washington and Oregon
 - In this area, wolves are Forest Service Sensitive
 - National Forests coordinate with the State F&W agencies
- Wolves in western Washington and Oregon are Federally listed
 - Forests consult with USFWS to ensure our actions don't jeopardize federally-listed gray wolves.
 - Much of the Project Design Criteria developed to date are focused on active dens or rendezvous sites



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