

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY MAY 6, 2013

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1213

Introduced by Assembly Member Bloom

February 22, 2013

An act to amend Section 4000 of, and to add Section 4013 to, 4155 to the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1213, as amended, Bloom. ~~The Bobcat Protection Act of 2013.~~

Existing law enumerates the fur-bearing mammals that may be taken only with a trap, a firearm, a bow and arrow, or poison under a proper permit, or with the use of dogs, and requires every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals designated by the Fish and Game Commission, or who sells raw furs of those mammals, to procure a trapping license. A violation of any of the provision of the Fish and Game Code, or any rule, regulation, or order made or adopted under those provisions, is a misdemeanor, unless otherwise specified.

~~This bill would enact the Bobcat Protection Act of 2013 that would, among other things, add the bobcat to the list of fur-bearing mammals subject to the licensing and other requirements for fur-bearing mammals specified above.~~

~~This bill would authorize the Department of Fish and Game to prepare a management plan for the taking of bobcats pursuant to trapping licenses that is based on various factors, including, among others, statewide and regional population estimates for bobcats, and an estimate of the costs to the department for implementing the management plan. The bill would require the management plan to include, among other things, a prohibition on trapping bobcats on private land without the consent of the owner. The bill would authorize the Fish and Game Commission to promulgate regulations consistent with the management plan, and would specify that if regulations are not promulgated by July 1, 2015, specified provisions would take effect, including, among others, provisions that would make it unlawful to trap or attempt to trap, or sell or export a bobcat, as specified. This bill enact the Bobcat Protection Act of 2013, which would, beginning January 1, 2014, apply these provisions to make it 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, as specified. Because a violation of the provisions of the management plan and regulations adopted by the commission would be a misdemeanor. The bill would require the commission to amend its regulations to prohibit the trapping of bobcats within, and adjacent to, the boundaries of a national or state park, monument or preserve, national wildlife refuge, and other public or private conservation area identified by the commission for protection, as specified. The bill would prohibit the trapping of 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, as specified. The bill would require the commission to set trapping license fees for the 2014–2015 season, and any subsequent seasons in which bobcat trapping is allowed, at the level necessary to fully recover all reasonable administrative and implementation costs of the Department of Fish and Wildlife and the commission associated with the trapping of bobcats in the state. The bill would provide that these provisions do not limit the ability of the department or the commission to impose additional requirements, restrictions, or prohibitions related to the taking of bobcats. By changing the definition of a crime, the bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Bobcat Protection Act of 2013.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) It is the intent of the Legislature in adopting this act to ensure
5 that the bobcat (*Lynx rufus*) remains a fully functional component
6 of the ecosystems it inhabits throughout its range in California.

7 (b) The Legislature recognizes that bobcats are an irreplaceable
8 part of California's natural habitat, and that, as predators of small
9 mammals, bobcats play an important role in regulating the
10 population of rodents in California's deserts, forests, and
11 grasslands.

12 (c) The Legislature further recognizes that millions of people
13 visit California's national and state parks and other public and
14 private conservation areas for the purposes of, among other things,
15 viewing wildlife, including bobcats, and that this visitation
16 contributes millions of dollars to California's economy.

17 (d) The Legislature further recognizes that bobcats and other
18 native wildlife often cross the boundaries of national parks and
19 other protected areas into adjacent areas where the taking of
20 bobcats is currently allowed pursuant to the Fish and Game Code
21 and the regulations adopted pursuant to that code.

22 (e) ~~While bobcats are hunted and trapped primarily for their~~
23 ~~fur, rather than being classified as "fur-bearing mammals" under~~
24 ~~the Fish and Game Code, bobcats are considered "nongame~~
25 ~~mammals" under the laws of this state and consequently current~~
26 *Current* California laws and regulations provide no limits on the
27 sex, age, location, or number of bobcats that may be taken by
28 licensed trappers on private and public lands in California where
29 the taking of wildlife is not otherwise prohibited.

30 (f) Current regulations provide for the commercial sale and
31 export of bobcat pelts taken by hunters or trappers in California.

32 (g) The Legislature further finds that a rise in the demand for
33 bobcat pelts in China and other foreign markets has resulted in a

1 substantial increase in the number of trappers taking bobcats as
2 well as in the number of bobcats taken for commercial purposes
3 in California.

4 (h) Reliable population estimates do not exist for bobcats
5 statewide in California and neither the Department of Fish and
6 Wildlife ~~or~~ nor the Fish and Game Commission possesses adequate
7 data to determine a sustainable harvest limit for bobcats.

8 ~~SEC. 3.— Section 4000 of the Fish and Game Code is amended~~
9 ~~to read:~~

10 ~~4000.— The following are fur-bearing mammals: pine marten,~~
11 ~~fisher, mink, river otter, gray fox, red fox, kit fox, raccoon, beaver,~~
12 ~~badger, bobcat, and muskrat.~~

13 ~~SEC. 4.— Section 4013 is added to the Fish and Game Code, to~~
14 ~~read:~~

15 ~~4013.— (a) The department may prepare a plan setting forth a~~
16 ~~proposed management regime for the taking of bobcats pursuant~~
17 ~~to trapping licenses. The management plan shall be based upon~~
18 ~~and include the following:~~

19 ~~(1) A current population estimate for bobcats at the statewide~~
20 ~~and regional levels. The estimate shall be generated using modern~~
21 ~~population census techniques, such as mark and recapture studies,~~
22 ~~seat and track surveys, DNA sampling, and camera trapping. The~~
23 ~~estimate may not be based solely upon harvest data or habitat~~
24 ~~modeling. For each area included in the population estimate, the~~
25 ~~department shall rely upon recent area-specific data on bobcat~~
26 ~~abundance and population trend. Consistent with the requirements~~
27 ~~of Section 703.3 that all resource management decisions be~~
28 ~~informed by credible science, the department shall, to the maximum~~
29 ~~extent practicable, rely upon recent published, peer-reviewed~~
30 ~~studies in generating the population estimate.~~

31 ~~(2) An estimate of maximum sustainable harvest limits for~~
32 ~~bobcats at the statewide and regional levels. The estimate shall be~~
33 ~~based upon California-specific studies on bobcat fecundity,~~
34 ~~survivorship, and habitat use, accounting for the differences among~~
35 ~~ecosystems within the state. The estimate shall take into account~~
36 ~~other sources of human-caused mortality to bobcats such as road~~
37 ~~mortality, rodenticide poisoning, and habitat loss. In determining~~
38 ~~a sustainable harvest level, the department shall, consistent with~~
39 ~~the requirements of Section 1755, consider not just the continued~~
40 ~~viability of bobcats, but also the goal of maintaining bobcat~~

1 abundance so as to not appreciably diminish either their role in
2 ecosystem maintenance or the likelihood and opportunity of bobcat
3 encounters for nonconsumptive uses such as wildlife viewing.

4 (3) ~~An estimate of the full costs to the department of~~
5 ~~implementing the management plan, including the costs of~~
6 ~~administering, monitoring, and enforcing a harvest regime.~~

7 (4) ~~An estimate of the full economic and ecosystem values of~~
8 ~~bobcats in California, including their role in regulating rodent~~
9 ~~populations, and the economic contributions of nonconsumptive~~
10 ~~uses such as tourism, wildlife viewing, photography, and property~~
11 ~~values.~~

12 (5) ~~A full consideration of restrictions on harvest, including~~
13 ~~no-harvest zones in and around state and national parks and other~~
14 ~~protected areas, prohibitions within residential areas and other~~
15 ~~areas where conflicts with nonconsumptive uses may be reasonably~~
16 ~~anticipated to occur, area-specific limits, bag limits, and restrictions~~
17 ~~of age and gender of animals taken.~~

18 (6) ~~The management plan shall include, but is not limited to,~~
19 ~~the following provisions:~~

20 (A) ~~A prohibition on trapping within two miles from the~~
21 ~~boundaries of national and state parks and preserves, national~~
22 ~~wildlife refuges, and any other public or private conservation area~~
23 ~~identified by the department or commission following consultation~~
24 ~~with the public.~~

25 (B) ~~A prohibition on trapping in any biologically significant~~
26 ~~region of the state where the department lacks a reliable population~~
27 ~~estimate generated from data gathered within the previous five~~
28 ~~years.~~

29 (C) ~~A prohibition on trapping on private land without the express~~
30 ~~written consent of the owner.~~

31 (D) ~~Area and individual harvest limits sufficient to prevent~~
32 ~~depletion of bobcat populations at the local scale.~~

33 (E) ~~Trapping license and shipping tag fees sufficient to fully~~
34 ~~offset on an annual basis the costs estimated by the department~~
35 ~~pursuant to paragraph (3) and as otherwise required by subdivision~~
36 ~~(e) of Section 4006.~~

37 (7) ~~Any proposed management plan shall be prepared in~~
38 ~~conformance with the requirements of the California Environmental~~
39 ~~Quality Act (Division 13 (commencing with Section 21000) of~~
40 ~~the Public Resources Code) and other applicable laws, and be~~

1 subject to public review and comment. During the preparation of
2 the management plan, the department shall hold a minimum of six
3 public hearings, including in Los Angeles, San Francisco, and
4 other representative areas of the state.

5 (b) Upon completion of any proposed management plan prepared
6 pursuant to subdivision (a) by the department, the commission
7 may promulgate regulations consistent with that plan.

8 (c) If no final regulations are promulgated by the commission
9 pursuant to subdivision (b) by July 1, 2015, the following
10 provisions shall take effect and shall remain in effect unless
11 repealed by statute.

12 (1) Notwithstanding Sections 4002, 4003, 4005, and 4006, and
13 Article 2 (commencing with Section 4030), or any provision of
14 the regulations adopted pursuant to this code, it is unlawful to trap
15 any bobcat, or attempt to do so, or to sell or export any bobcat or
16 part of any bobcat taken in California, or to receive, transport, or
17 possess any bobcat or any part or product of any bobcat taken in
18 violation of this code or regulations adopted pursuant to this code.

19 (2) The prohibition on the trapping of bobcats pursuant to
20 paragraph (1) does not apply to the taking of any bobcat by
21 employees of the department acting in an official capacity or to a
22 taking in accordance with the conditions of a scientific or
23 propagation permit by the holder of that permit, or to the lawful
24 taking of bobcats found to be injuring crops or property pursuant
25 to Section 4180 or other provisions of this code, or the regulations
26 adopted pursuant to this code.

27 (3) The prohibition on the sale or export of bobcats or any part
28 of a bobcat pursuant to paragraph (1) does not apply to any bobcat
29 or any part or product of any bobcat lawfully possessed before
30 July 1, 2015.

31 (d) Beginning January 1, 2014, it is unlawful to trap any bobcat,
32 or attempt to do so, or to sell or export any bobcat or part of any
33 bobcat taken in the area surrounding Joshua Tree National Park,
34 defined as follows: East and South of State Highway 62 from the
35 intersection of Interstate 10 to the intersection of State Highway
36 177; West of State Highway 177 from the intersection of State
37 Highway 62 to the intersection with Interstate 10; North of
38 Interstate 10 from State Highway 177 to State Highway 62. The
39 prohibition shall remain in effect irrespective of whether the
40 management plan and regulations contemplated in subdivisions

1 ~~(a) and (b) are adopted. This prohibition on the trapping of bobcats~~
2 ~~does not apply to the taking of any bobcat by employees of the~~
3 ~~department acting in an official capacity or to a taking in~~
4 ~~accordance with the conditions of a scientific or propagation permit~~
5 ~~by the holder of that permit, or to the lawful taking of bobcats~~
6 ~~found to be injuring crops or property pursuant to Section 4180 or~~
7 ~~other provisions of this code, or the regulations adopted pursuant~~
8 ~~to this code.~~

9 *SEC. 3. Section 4155 is added to the Fish and Game Code, to*
10 *read:*

11 *4155. (a) Beginning January 1, 2014, it shall be unlawful to*
12 *trap any bobcat, or attempt to do so, or to sell or export any bobcat*
13 *or part of any bobcat taken in the area surrounding Joshua Tree*
14 *National Park, defined as follows: East and South of State Highway*
15 *62 from the intersection of Interstate 10 to the intersection of State*
16 *Highway 177; West of State Highway 177 from the intersection of*
17 *State Highway 62 to the intersection with Interstate 10; North of*
18 *Interstate 10 from State Highway 177 to State Highway 62.*

19 *(b) At its next regularly scheduled mammal hunting and trapping*
20 *rulemaking process to occur after January 1, 2014, the commission*
21 *shall amend its regulations to prohibit the trapping of bobcats*
22 *within, and adjacent to, the boundaries of a national or state park,*
23 *monument or preserve, national wildlife refuge, and other public*
24 *or private conservation area identified by the commission for*
25 *protection. The commission shall delineate the boundaries of any*
26 *prohibited area using readily identifiable features, such as*
27 *highways or other major roads, such as those delineated for Joshua*
28 *Tree National Park in subdivision (a).*

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

38 *(d) Notwithstanding Section 2016 or any other provisions of*
39 *this code, on and after January 1, 2014, it shall be unlawful to*
40 *trap any bobcat, or attempt to do so, on any private land not*

1 *belonging to the trapper without the express written consent of*
2 *the owner of that property. The placing or possession of any trap*
3 *or the possession of a bobcat or part thereof on any land is prima*
4 *facie evidence of a violation of this subdivision.*

5 *(e) Pursuant to the requirements of subdivision (c) of Section*
6 *4006, the commission shall set trapping license fees for the*
7 *2014–15 season, and any subsequent seasons in which bobcat*
8 *trapping is allowed, at the level necessary to fully recover all*
9 *reasonable administrative and implementation costs of the*
10 *department and the commission associated with the trapping of*
11 *bobcats in the state.*

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

17 ~~SEC. 5.~~

18 *SEC. 4.* No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.