

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, 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~~.

~~Existing law~~ *dogs, and requires that 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. Existing law provides for the issuance of fur dealer licenses. 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 ~~and 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, notwithstanding the above-described provisions, make it unlawful to trap any bobcat, or attempt to do so, or to sell or export any bobcat or part thereof taken in~~

~~California, or to receive, transport, or possess any bobcat or any part or product thereof taken in violation of these provisions or regulations adopted by the commission, except as specified. By creating a new crime, the bill would impose a state-mandated local program.~~

This bill would authorize the Department of Fish and Game to prepare a management plan for the taking of bobcats pursuant to trapping and hunting licenses that is based on various factors, including, among others, population estimates for bobcats, and an estimate of 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. Because a violation of the provisions of the management plan and regulations adopted by the commission would be a misdemeanor, 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

1 population of rodents in California’s deserts, forests, and
2 grasslands.

3 (c) The Legislature further recognizes that millions of people
4 visit California’s national and state parks and other public and
5 private conservation areas for the purposes of, among other things,
6 viewing wildlife, including bobcats, and that this visitation
7 contributes millions of dollars to California’s economy.

8 (d) The Legislature further recognizes that bobcats and other
9 native wildlife often cross the boundaries of national parks and
10 other protected areas into adjacent areas where the taking of
11 bobcats is currently allowed pursuant to the Fish and Game Code
12 and the regulations adopted pursuant to that code.

13 (e) While bobcats are hunted and trapped primarily for their
14 fur, rather than being classified as “fur-bearing mammals” under
15 the Fish and Game Code, bobcats are considered “nongame
16 mammals” under the laws of this state and consequently current
17 California laws and regulations provide no limits on the sex, age,
18 location, or number of bobcats that may be taken by licensed
19 trappers on private and public lands in California where the taking
20 of wildlife is not otherwise prohibited.

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

23 (g) The Legislature further finds that a rise in the demand for
24 bobcat pelts in China and other foreign markets has resulted in a
25 substantial increase in the number of trappers taking bobcats as
26 well as in the number of bobcats taken for commercial purposes
27 in California.

28 (h) Reliable population estimates do not exist for bobcats
29 statewide in California and neither the Department of Fish and
30 Wildlife or the Fish and Game Commission possesses adequate
31 data to determine a sustainable harvest limit for bobcats.

32 SEC. 3. Section 4000 of the Fish and Game Code is amended
33 to read:

34 4000. The following are fur-bearing mammals: pine marten,
35 fisher, mink, river otter, gray fox, red fox, kit fox, raccoon, beaver,
36 badger, bobcat, and muskrat.

37 ~~SEC. 4. Section 4013 is added to the Fish and Game Code, to~~
38 ~~read:~~

39 ~~4013. (a) Notwithstanding Sections 4002, 4003, 4005, and~~
40 ~~4006, and Article 2 (commencing with Section 4030), it is unlawful~~

1 to trap any bobcat, or attempt to do so, or to sell or export any
2 bobcat or part thereof taken in California, or to receive, transport,
3 or possess any bobcat or any part or product thereof taken in
4 violation of this code or regulations adopted pursuant to this code.

5 (b) This section does not apply to the taking of any bobcat by
6 employees of the department acting in an official capacity or to a
7 taking in accordance with the conditions of a scientific or
8 propagation permit by the holder of that permit.

9 (c) This section does not apply to any bobcat or any part or
10 product thereof lawfully possessed prior to January 1, 2014, or to
11 the lawful taking of bobcats found to be injuring crops or property
12 that are taken under depredation permits issued pursuant to Section
13 4180, this code, or the regulations adopted pursuant to this code.

14 *SEC. 4. Section 4013 is added to the Fish and Game Code, to*
15 *read:*

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

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

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

1 viability of bobcats, but also the goal of maintaining bobcat
2 abundance so as to not appreciably diminish either their role in
3 ecosystem maintenance or the likelihood and opportunity of bobcat
4 encounters for nonconsumptive uses such as wildlife viewing.

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

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

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

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

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

26 (B) A prohibition on trapping in any county or other subarea
27 of the state where the department lacks a reliable population
28 estimate generated from data gathered within the previous five
29 years.

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

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

34 (E) License and tagging fees sufficient to fully offset on an
35 annual basis the costs estimated by the department pursuant to
36 paragraph (3) and as otherwise required by subdivision (c) of
37 Section 4006.

38 (7) Any proposed management plan shall be prepared in
39 conformance with the requirements of the California
40 Environmental Quality Act (Division 13 (commencing with Section

1 21000) of the Public Resources Code) and other applicable laws,
2 and be subject to public review and comment. During the
3 preparation of the management plan, the department shall hold a
4 minimum of six public hearings, including in Los Angeles, San
5 Francisco, and other representative areas of the state.

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

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

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

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

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

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

1 *prohibition shall remain in effect irrespective of whether the*
2 *management plan and regulations contemplated in subdivisions*
3 *(a) and (b) are adopted. This prohibition on the trapping of bobcats*
4 *does not apply to the taking of any bobcat by employees of the*
5 *department acting in an official capacity or to a taking in*
6 *accordance with the conditions of a scientific or propagation*
7 *permit by the holder of that permit, or to the lawful taking of*
8 *bobcats found to be injuring crops or property that are taken under*
9 *depredation permits issued pursuant to Section 4180 or other*
10 *provisions of this code, or the regulations adopted pursuant to this*
11 *code.*

12 SEC. 5. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.