

AMENDED IN SENATE JULY 11, 2019

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CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1254

Introduced by Assembly Member Kamlager-Dove

(Principal coauthor: Senator Allen)

**(Coauthors: Assembly Members Bloom, Boerner Horvath, and
Friedman)**

(Coauthors: Senators Galgiani and Portantino)

February 21, 2019

An act to amend Sections 4152, 4153, 4154, and 4181 of, and to add Sections 4156, 4157, and 4158 to, the Fish and Game Code, relating to bobcats.

LEGISLATIVE COUNSEL'S DIGEST

AB 1254, as amended, Kamlager-Dove. Bobcats: take prohibition.

Existing law delegates to the Fish and Game Commission the power to regulate the taking or possession of birds, mammals, fish, amphibians, and reptiles, except as provided.

Under existing law, a mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal and may not be taken or possessed except as provided in the Fish and Game Code or in accordance with regulations adopted by the commission. Under existing law, bobcats are not designated as a game mammal, fully protected mammal, or fur-bearing

mammal. Existing law prohibits, or authorizes the commission to prohibit, the trapping of bobcats under certain circumstances, as specified.

Existing law authorizes any owner or tenant of land or property that is being damaged or destroyed, or is in danger of being damaged or destroyed, by specified animals, not including bobcats, to apply to the Department of Fish and Wildlife for a depredation permit to kill the animals. Existing law requires the department, upon satisfactory evidence of the damage or destruction, actual or immediately threatened, to issue a revocable depredation permit for the taking and disposition of the animals under regulations adopted by the commission.

Existing law authorizes nongame mammals, among other specified species, that are found to be injuring growing crops or other property to be taken at any time or in any manner by specified persons in accordance with the Fish and Game Code and regulations adopted pursuant to that code. Existing law authorizes the department to enter into cooperative agreements with any state or federal agency for the purpose of controlling harmful nongame mammals. Existing law also authorizes the department to enter into cooperative contracts with the United States Fish and Wildlife Service for the control of nongame mammals.

Under existing law, a violation of the Fish and Game Code is a crime.

This bill would make it unlawful to hunt, trap, or otherwise take a bobcat, except under specified circumstances, including under a depredation permit. The bill, commencing January 1, 2025, would authorize the commission to open a bobcat hunting season in any area determined by the commission to require a hunt, as specified. The bill would prohibit the take of bobcats under the above-described authorizations for the take of nongame mammals. The bill would require the department, before opening a bobcat season and in consultation with specified entities, to develop, upon appropriation by the Legislature, a bobcat management plan to inform and coordinate management decisions regarding bobcat populations, as specified. The bill would require the department to submit the bobcat management plan to the commission and the Legislature. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The bill would provide that its provisions are severable.

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. Section 4152 of the Fish and Game Code is
2 amended to read:

3 4152. (a) Except as provided in Section 4005, nongame
4 mammals and black-tailed jackrabbits, muskrats, subspecies of
5 red fox that are not the native Sierra Nevada red fox (*Vulpes vulpes*
6 *necator*), and red fox squirrels that are found to be injuring growing
7 crops or other property may be taken at any time or in any manner
8 in accordance with this code and regulations adopted pursuant to
9 this code by the owner or tenant of the premises or employees and
10 agents in immediate possession of written permission from the
11 owner or tenant thereof. They may also be taken by officers or
12 employees of the Department of Food and Agriculture or by
13 federal, county, or city officers or employees when acting in their
14 official capacities pursuant to the Food and Agricultural Code
15 pertaining to pests, or pursuant to Article 6 (commencing with
16 Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and
17 Agricultural Code. Persons taking mammals in accordance with
18 this section are exempt from Section 3007, except when providing
19 trapping services for a fee. Raw furs, as defined in Section 4005,
20 that are taken under this section, shall not be sold.

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

26 (c) This section does not apply to bobcats.

27 SEC. 2. Section 4153 of the Fish and Game Code is amended
28 to read:

1 4153. (a) The department may enter into cooperative
2 agreements with any agency of the state or the United States for
3 the purpose of controlling harmful nongame mammals.

4 (b) The department may take any mammal that, in its opinion,
5 is unduly preying upon any bird, mammal, or fish.

6 (c) This section does not apply to bobcats.

7 SEC. 3. Section 4154 of the Fish and Game Code is amended
8 to read:

9 4154. (a) The department may enter into cooperative contracts
10 with the United States Fish and Wildlife Service in the Department
11 of the Interior in relation to the control of nongame mammals and
12 for that purpose may expend any money made available to the
13 department for expenditure for the control or eradication of
14 nongame mammals.

15 (b) This section does not apply to bobcats.

16 SEC. 4. Section 4156 is added to the Fish and Game Code, to
17 read:

18 4156. (a) Except as provided in Section 4157 and
19 notwithstanding any other law, it is unlawful for a person to hunt,
20 trap, or otherwise take a bobcat.

21 (b) The prohibitions of this section shall not apply to any of the
22 following:

23 (1) The take of a bobcat by a law enforcement officer or licensed
24 veterinarian acting in the course and scope of official duty.

25 (2) The take of a bobcat based on a good faith belief that the
26 take was necessary to protect a person from immediate bodily
27 harm from the bobcat if both of the following conditions are met:

28 (A) The person who committed the take notifies the department
29 within five days after the take.

30 (B) A bobcat or part of the bobcat taken pursuant to this
31 subdivision is not retained, sold, or removed from the site of the
32 take without the authorization from the department.

33 (3) The take of a bobcat pursuant to Section 3960.2, 3960.6, or
34 4181.

35 (4) The take of a bobcat pursuant to Section 1002 or 3960.4.

36 (5) The take of a bobcat pursuant to Chapter 2 (commencing
37 with Section 2116) of Division 3.

38 SEC. 5. Section 4157 is added to the Fish and Game Code, to
39 read:

1 4157. (a) Commencing January 1, 2025, the commission may
2 open a bobcat hunting season in any area determined by the
3 commission to require a hunt.

4 (b) Before opening a bobcat hunting season in any area, the
5 commission shall do all of the following:

6 (1) Consider the potential impacts of a bobcat hunting season,
7 including the effects on all of the following:

8 (A) Bobcat populations.

9 (B) Bobcats' wild prey.

10 (C) Disease abatement, including, but not limited to, hantavirus.

11 (D) The control of invasive species, especially nutria.

12 (2) Require the implementation of effective nonlethal
13 management strategies to address public safety and livestock
14 conflicts related to bobcats.

15 (3) Adopt the bobcat management plan developed by the
16 department pursuant to Section 4158.

17 (4) Consider state residents' values with regard to the trophy
18 hunting of bobcats.

19 (5) Assess the costs to the department and the commission
20 associated with bobcat hunting, including the administrative,
21 implementation, and enforcement costs.

22 (c) Consistent with the requirements of Section 3031 and
23 pursuant to Sections 713 and 1050, the commission shall set
24 hunting license fees and associated fees for any subsequent seasons
25 in which bobcat hunting is allowed, at the levels necessary to fully
26 recover all the reasonable administrative and implementation costs
27 of the department and the commission associated with the hunting
28 of bobcats in the state.

29 (d) This section does not limit the ability of the department or
30 the commission to impose additional requirements, restrictions,
31 or prohibitions related to the take of bobcats.

32 SEC. 6. Section 4158 is added to the Fish and Game Code, to
33 read:

34 4158. (a) Before opening a bobcat hunting season pursuant to
35 Section 4157, the department, in consultation with other relevant
36 state agencies, local governments, federal agencies,
37 nongovernmental organizations, landowners, and scientific entities,
38 shall develop, upon appropriation by the Legislature, a bobcat
39 management plan to inform and coordinate management decisions
40 regarding bobcat populations. *The bobcat management plan shall*

1 *use credible science and utilize an ecosystem-based approach.*
2 The bobcat management plan shall be submitted by the department
3 to the commission and the Legislature and shall include all of the
4 following:

5 (1) A current statewide bobcat population estimate based on the
6 best available science.

7 (2) An assessment of the overall health of the statewide bobcat
8 population.

9 (3) A comprehensive strategy to manage bobcat populations
10 and their habitat throughout the state, including, but not limited
11 to, an assessment of the effects of climate change, such as from
12 drought and wildfires; rodenticides; and human development on
13 the state's bobcats, the bobcats' prey, and the bobcats' habitats.
14 *The comprehensive strategy shall utilize the principles of*
15 *adaptive management and incorporate recommendations for*
16 *monitoring.*

17 (4) An investigation of efficacious nonlethal solutions to prevent
18 bobcat predation on livestock, primarily chickens or other domestic
19 animals that the Department of Food and Agriculture deems
20 needing widespread protections from bobcats.

21 (5) Recommendations for regulatory or ~~legislative~~ *statutory*
22 changes necessary to implement the bobcat management plan.

23 (b) A report to be submitted pursuant to this section shall be
24 submitted in compliance with Section 9795 of the Government
25 Code.

26 SEC. 7. Section 4181 of the Fish and Game Code is amended
27 to read:

28 4181. (a) Except as provided in Section 4181.1, any owner or
29 tenant of land or property that is being damaged or destroyed or
30 is in danger of being damaged or destroyed by elk, bear, bobcat,
31 beaver, wild pig, wild turkeys, or gray squirrels may apply to the
32 department for a permit to kill the animals. Subject to the
33 limitations in subdivisions (b) and (d), the department, upon
34 satisfactory evidence of the damage or destruction, actual or
35 immediately threatened, shall issue a revocable permit for the
36 taking and disposition of the animals under regulations adopted
37 by the commission. The permit shall include a statement of the
38 penalties that may be imposed for a violation of the permit
39 conditions. Animals so taken shall not be sold or shipped from the
40 premises on which they are taken except under instructions from

1 the department. An iron-jawed or steel-jawed or any type of
2 metal-jawed trap shall not be used to take any bear or bobcat
3 pursuant to this section. Poison of any type shall not be used to
4 take any gray squirrel or wild turkey pursuant to this section. The
5 department shall designate the type of trap to be used to ensure
6 the most humane method is used to trap gray squirrels. The
7 department may require trapped squirrels to be released in parks
8 or other nonagricultural areas. It is unlawful for any person to
9 violate the terms of any permit issued under this section.

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

12 (1) Why the issuance of the permit was necessary.

13 (2) What efforts were made to solve the problem without killing
14 the bears or bobcats.

15 (3) What corrective actions should be implemented to prevent
16 a reoccurrence.

17 (c) With respect to wild pigs, the department shall provide an
18 applicant for a depredation permit to take wild pigs or a person
19 who reports taking wild pigs pursuant to subdivision (b) of Section
20 4181.1 with written information that sets forth available options
21 for wild pig control, including, but not limited to, depredation
22 permits, allowing periodic access to licensed hunters, and holding
23 special hunts authorized pursuant to Section 4188. The department
24 may maintain and make available to these persons lists of licensed
25 hunters interested in wild pig hunting and lists of nonprofit
26 organizations that are available to take possession of depredating
27 wild pig carcasses.

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

29 (1) Before issuing a depredation permit pursuant to subdivision
30 (a), the department shall do all of the following:

31 (A) Verify the actual or immediately threatened damage or
32 destruction.

33 (B) Provide a written summary of corrective measures necessary
34 to immediately alleviate the problem.

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

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

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

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

8 SEC. 8. The provisions of this act are severable. If any
9 provision of this act or its application is held invalid, that invalidity
10 shall not affect other provisions or applications that can be given
11 effect without the invalid provision or application.

12 SEC. 9. 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.