

Assembly Bill No. 1254

CHAPTER 766

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.

[Approved by Governor October 12, 2019. Filed with Secretary
of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1254, Kamlager-Dove. Bobcats: take prohibition: hunting season: management plan.

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, upon appropriation of funds by the Legislature for this purpose, 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.

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

SECTION 1. Section 4152 of the Fish and Game Code is amended to read:

4152. (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.

(c) This section does not apply to bobcats.

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

4153. (a) 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.

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

(c) This section does not apply to bobcats.

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

4154. (a) 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 the control or eradication of nongame mammals.

(b) This section does not apply to bobcats.

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

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

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

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

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

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

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

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

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

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

(6) The take of a bobcat by the department for the protection of a species listed as endangered or threatened under the federal Endangered Species Act (16 U.S.C. Sec. 1531 et seq.) or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3).

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

4157. (a) Upon appropriation of funds by the Legislature for purposes of this section, commencing January 1, 2025, the commission may open a bobcat hunting season in any area determined by the commission to require a hunt.

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

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

(A) Bobcat populations.

(B) Bobcats' wild prey.

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

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

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

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

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

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

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

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

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

4158. (a) Before opening a bobcat hunting season pursuant to Section 4157, the department, in consultation with other relevant state agencies, local governments, federal agencies, nongovernmental organizations, landowners, and scientific entities, shall develop, upon appropriation by the Legislature, a bobcat management plan to inform and coordinate management decisions regarding bobcat populations. The bobcat management plan shall use credible science and utilize an ecosystem-based approach. The bobcat management plan shall be submitted by the department to the commission and the Legislature and shall include all of the following:

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

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

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

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

(5) Recommendations for regulatory or statutory changes necessary to implement the bobcat management plan.

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

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

4181. (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, bobcat, 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. An iron-jawed or steel-jawed or any type of metal-jawed trap shall not be used to take any bear or bobcat pursuant to this section. Poison of any type shall not 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 or bobcats 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 or bobcats.
- (3) What corrective actions should be implemented to prevent a 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 depredating wild pig carcasses.

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

(1) Before issuing a depredation 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).

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

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.