

Assembly Bill No. 1213

CHAPTER 748

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

[Approved by Governor October 11, 2013. Filed with
Secretary of State October 11, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1213, Bloom. 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, which would, beginning January 1, 2014, 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. The bill would require the commission to 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, as specified. The bill would require the commission, commencing January 1, 2016, to consider whether to prohibit bobcat trapping within, and adjacent to, preserves, state conservancies, and any other public or private conservation areas identified to the commission by the public as warranting protection, and to amend its regulations accordingly, 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 2014–15 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, as specified. 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.

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

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

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

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

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

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

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

(e) Current California laws and regulations provide no limits on the sex, age, location, or number of bobcats that may be taken by licensed trappers on private and public lands in California where the taking of wildlife is not otherwise prohibited.

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

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

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

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

4155. (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.

SEC. 4. 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.