

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 457

Introduced by Senator Nielsen
(Coauthors: Senators Berryhill and Stone)
(Coauthor: Assembly Member Olsen)

February 25, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 457, as amended, Nielsen. Bobcat Protection Act of 2013.

Existing law, the Bobcat Protection Act of 2013, makes 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 act requires the Fish and Game 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. The act also requires 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 act requires the commission to delineate the boundaries of an area in which bobcat trapping is prohibited pursuant to these provisions using readily identifiable features, such as highways or other major roads, such as those delineated for Joshua Tree National Park.

This bill would provide that these features ~~also include, but are not limited to, landmarks, and would make other nonsubstantive changes~~

~~to these provisions. may include roads instead of major roads and would provide that landmarks and geographic positions established by navigation and surveying methods may be used to delineate the boundaries of an area described above in which bobcat trapping is prohibited.~~

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

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

1 SECTION 1. Section 4155 of the Fish and Game Code is
2 amended to read:

3 4155. (a) It shall be unlawful to trap any bobcat, or attempt to
4 do so, or to sell or export any bobcat or part of any bobcat taken
5 in the area surrounding Joshua Tree National Park, defined as
6 follows: East and ~~South~~ south of State Highway Route 62 from
7 the intersection of Interstate 10 to the intersection of State Highway
8 Route 177; ~~West~~ west of State Highway Route 177 from the
9 intersection of State Highway Route 62 to the intersection with
10 Interstate 10; ~~North~~ north of Interstate 10 from State Highway
11 Route 177 to State Highway Route 62.

12 (b) (1) Through the commission's next regularly scheduled
13 mammal hunting and trapping rulemaking process occurring after
14 January 1, 2014, the commission shall amend its regulations to
15 prohibit the trapping of bobcats adjacent to the boundaries of each
16 national or state park and national monument or wildlife refuge in
17 which bobcat trapping is prohibited.

18 (2) Commencing January 1, 2016, the commission shall consider
19 whether to prohibit bobcat trapping within, and adjacent to,
20 preserves, state conservancies, and any additional public or private
21 conservation areas identified to the commission by the public as
22 warranting protection. The commission, as necessary, shall amend
23 its regulations through its next subsequently scheduled mammal
24 hunting and trapping rulemaking process to prohibit bobcat
25 trapping in any area determined by the commission to warrant
26 protection.

27 (3) The commission shall delineate the boundaries of an area
28 in which bobcat trapping is prohibited pursuant to paragraph (1)
29 or (2) using ~~readily~~ any of the following:

1 (A) *Readily* identifiable features, including, but not limited to,
2 highways, ~~other major roads, or landmarks~~, such as those delineated
3 for Joshua Tree National Park in subdivision ~~(a)~~: (a), or roads.

4 (B) *Landmarks*.

5 (C) *Geographic positions established by navigation and*
6 *surveying methods, including, but not limited to, the Global*
7 *Positioning System*.

8 (c) The prohibition on the trapping of bobcats in the areas
9 designated pursuant to subdivisions (a) and (b) shall not apply to
10 the taking of any bobcat by employees of the department acting
11 in an official capacity, to a taking in accordance with the conditions
12 of a scientific, educational, or propagation permit pursuant to
13 Section 1002 by the holder of that permit, or to the lawful taking
14 of bobcats found to be injuring crops or other property pursuant
15 to Section 4152 or other provisions of this code or regulations
16 adopted pursuant to this code.

17 (d) Notwithstanding Section 2016 or any other provisions of
18 this code, it shall be unlawful to trap any bobcat, or attempt to do
19 so, on any private land not belonging to the trapper without the
20 express written consent of the owner of that property. The placing
21 or possession of any trap or the possession of a bobcat or part
22 thereof on any land is prima facie evidence of a violation of this
23 subdivision.

24 (e) Consistent with the requirements of subdivision (c) of
25 Section 4006, the commission shall set trapping license fees and
26 associated fees, including, but not limited to, shipping tags required
27 pursuant to Section 479 of ~~Chapter 6 of Subdivision 2 of Division~~
28 ~~1 of Title 14 of the California Code of Regulations, for the 2014–15~~
29 season, and any subsequent seasons in which bobcat trapping is
30 allowed, at the levels necessary to fully recover all reasonable
31 administrative and implementation costs of the department and
32 the commission associated with the trapping of bobcats in the state,
33 including, but not limited to, enforcement costs.

34 (f) This section does not limit the ability of the department or
35 the commission to impose additional requirements, restrictions,
36 or prohibitions related to the taking of bobcats, including a
37 complete prohibition on the trapping of bobcats pursuant to this
38 code.

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