

AMENDED IN ASSEMBLY MAY 6, 2013  
AMENDED IN ASSEMBLY APRIL 24, 2013  
AMENDED IN ASSEMBLY MARCH 19, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1213**

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**Introduced by Assembly Member Bloom**

February 22, 2013

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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, 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 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 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, *statewide and regional* population estimates for bobcats, and an estimate of *the* 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. *This bill would, beginning January 1, 2014, apply these provisions to the area surrounding Joshua Tree National Park, 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
- 10 population of rodents in California’s deserts, forests, and
- 11 grasslands.
- 12 (c) The Legislature further recognizes that millions of people
- 13 visit California’s national and state parks and other public and
- 14 private conservation areas for the purposes of, among other things,

1 viewing wildlife, including bobcats, and that this visitation  
2 contributes millions of dollars to California’s economy.

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

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

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

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

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

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

29 4000. The following are fur-bearing mammals: pine marten,  
30 fisher, mink, river otter, gray fox, red fox, kit fox, raccoon, beaver,  
31 badger, bobcat, and muskrat.

32 SEC. 4. Section 4013 is added to the Fish and Game Code, to  
33 read:

34 4013. (a) The department may prepare a plan setting forth a  
35 proposed management regime for the taking of bobcats pursuant  
36 to trapping ~~and hunting~~ licenses. The management plan shall be  
37 based upon and include the following:

38 (1) A current population estimate for bobcats at the ~~statewide,~~  
39 ~~regional, and county~~ *statewide and regional* levels. The estimate  
40 shall be generated using modern population census techniques,

1 such as mark and recapture studies, scat and track surveys, DNA  
2 sampling, and camera trapping. The estimate may not be based  
3 solely upon harvest data or habitat modeling. For each area  
4 included in the population estimate, the department shall rely upon  
5 recent area-specific data on bobcat abundance and population  
6 trend. Consistent with the requirements of Section 703.3 that all  
7 resource management decisions be informed by credible science,  
8 the department shall, to the maximum extent practicable, rely upon  
9 recent published, peer-reviewed studies in generating the  
10 population estimate.

11 (2) An estimate of maximum sustainable harvest limits for  
12 bobcats at the ~~statewide, regional, and county~~ *statewide and*  
13 *regional* levels. The estimate shall be based upon  
14 California-specific studies on bobcat fecundity, survivorship, and  
15 habitat use, accounting for the differences among ecosystems  
16 within the state. The estimate shall take into account other sources  
17 of human-caused mortality to bobcats such as road mortality,  
18 rodenticide poisoning, and habitat loss. In determining a sustainable  
19 harvest level, the department shall, consistent with the requirements  
20 of Section 1755, consider not just the continued viability of  
21 bobcats, but also the goal of maintaining bobcat abundance so as  
22 to not appreciably diminish either their role in ecosystem  
23 maintenance or the likelihood and opportunity of bobcat encounters  
24 for nonconsumptive uses such as wildlife viewing.

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

28 (4) An estimate of the full economic and ecosystem values of  
29 bobcats in California, including their role in regulating rodent  
30 populations, and the economic contributions of nonconsumptive  
31 uses such as tourism, wildlife viewing, photography, and property  
32 values.

33 (5) A full consideration of restrictions on harvest, including  
34 no-harvest zones in and around state and national parks and other  
35 protected areas, prohibitions within residential areas and other  
36 areas where conflicts with nonconsumptive uses may be reasonably  
37 anticipated to occur, area-specific limits, bag limits, and restrictions  
38 of age and gender of animals taken.

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

1 (A) A prohibition on trapping within two miles from the  
2 boundaries of national and state parks and preserves, national  
3 wildlife refuges, and any other public or private conservation area  
4 identified by the department or commission following consultation  
5 with the public.

6 (B) A prohibition on trapping in any ~~county or other subarea~~  
7 *biologically significant region* of the state where the department  
8 lacks a reliable population estimate generated from data gathered  
9 within the previous five years.

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

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

14 (E) ~~License and tagging~~ *Trapping license and shipping tag fees*  
15 sufficient to fully offset on an annual basis the costs estimated by  
16 the department pursuant to paragraph (3) and as otherwise required  
17 by subdivision (c) of Section 4006.

18 (7) Any proposed management plan shall be prepared in  
19 conformance with the requirements of the California Environmental  
20 Quality Act (Division 13 (commencing with Section 21000) of  
21 the Public Resources Code) and other applicable laws, and be  
22 subject to public review and comment. During the preparation of  
23 the management plan, the department shall hold a minimum of six  
24 public hearings, including in Los Angeles, San Francisco, and  
25 other representative areas of the state.

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

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

33 (1) Notwithstanding Sections 4002, 4003, 4005, and 4006, and  
34 Article 2 (commencing with Section 4030), or any provision of  
35 the regulations adopted pursuant to this code, it is unlawful to trap  
36 any bobcat, or attempt to do so, or to sell or export any bobcat or  
37 part of any bobcat taken in California, or to receive, transport, or  
38 possess any bobcat or any part or product of any bobcat taken in  
39 violation of this code or regulations adopted pursuant to this code.

1 (2) The prohibition on the trapping of bobcats pursuant to  
2 paragraph (1) does not apply to the taking of any bobcat by  
3 employees of the department acting in an official capacity or to a  
4 taking in accordance with the conditions of a scientific or  
5 propagation permit by the holder of that permit, or to the lawful  
6 taking of bobcats found to be injuring crops or property ~~that are~~  
7 ~~taken under depredation permits issued~~ pursuant to Section 4180  
8 or other provisions of this code, or the regulations adopted pursuant  
9 to this code.

10 (3) The prohibition on the sale or export of bobcats or any part  
11 of a bobcat pursuant to paragraph (1) does not apply to any bobcat  
12 or any part or product of any bobcat lawfully possessed before  
13 July 1, 2015.

14 (d) Beginning January 1, 2014, it is unlawful to trap any bobcat,  
15 or attempt to do so, or to sell or export any bobcat or part of any  
16 bobcat taken in the area surrounding Joshua Tree National Park,  
17 defined as follows: East and South of State Highway 62 from the  
18 intersection of Interstate 10 to the intersection of State Highway  
19 177; West of State Highway 177 from the intersection of State  
20 Highway 62 to the intersection with Interstate 10; North of  
21 Interstate 10 from State Highway 177 to State Highway 62. The  
22 prohibition shall remain in effect irrespective of whether the  
23 management plan and regulations contemplated in subdivisions  
24 (a) and (b) are adopted. This prohibition on the trapping of bobcats  
25 does not apply to the taking of any bobcat by employees of the  
26 department acting in an official capacity or to a taking in  
27 accordance with the conditions of a scientific or propagation permit  
28 by the holder of that permit, or to the lawful taking of bobcats  
29 found to be injuring crops or property ~~that are taken under~~  
30 ~~depredation permits issued~~ pursuant to Section 4180 or other  
31 provisions of this code, or the regulations adopted pursuant to this  
32 code.

33 SEC. 5. No reimbursement is required by this act pursuant to  
34 Section 6 of Article XIII B of the California Constitution because  
35 the only costs that may be incurred by a local agency or school  
36 district will be incurred because this act creates a new crime or  
37 infraction, eliminates a crime or infraction, or changes the penalty  
38 for a crime or infraction, within the meaning of Section 17556 of  
39 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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