

AMENDED IN SENATE JUNE 20, 2013
AMENDED IN ASSEMBLY MAY 24, 2013
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

Introduced by Assembly Member Bloom

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1213, as amended, 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 ~~within, and adjacent to,~~ *to* the boundaries of ~~a each national or state park, park and national monument or preserve, national~~ wildlife refuge *in which bobcat trapping is currently prohibited,* and *within, and adjacent to,* other public or private conservation area identified by the commission for protection, 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 2014–2015 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. 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.

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

1 population of rodents in California’s deserts, forests, and
2 grasslands.

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

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

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

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

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

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

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

30 4155. (a) Beginning January 1, 2014, it shall be unlawful to
31 trap any bobcat, or attempt to do so, or to sell or export any bobcat
32 or part of any bobcat taken in the area surrounding Joshua Tree
33 National Park, defined as follows: East and South of State Highway
34 62 from the intersection of Interstate 10 to the intersection of State
35 Highway 177; West of State Highway 177 from the intersection
36 of State Highway 62 to the intersection with Interstate 10; North
37 of Interstate 10 from State Highway 177 to State Highway 62.

38 (b) At its next regularly scheduled mammal hunting and trapping
39 rulemaking process to occur after January 1, 2014, the commission
40 shall amend its regulations to prohibit the trapping of bobcats

1 ~~within, and adjacent to, the boundaries of a national or state park,~~
 2 ~~monument or preserve, national wildlife refuge, and other public~~
 3 ~~adjacent to the boundaries of each national or state park and~~
 4 ~~national monument or wildlife refuge in which bobcat trapping is~~
 5 ~~currently prohibited, and within, and adjacent to, any other public~~
 6 ~~or private conservation-area areas~~ identified by the commission
 7 for protection. The commission shall delineate the boundaries of
 8 any prohibited area using readily identifiable features, such as
 9 highways or other major roads, such as those delineated for Joshua
 10 Tree National Park in subdivision (a).

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

20 (d) Notwithstanding Section 2016 or any other provisions of
 21 this code, on and after January 1, 2014, it shall be unlawful to trap
 22 any bobcat, or attempt to do so, on any private land not belonging
 23 to the trapper without the express written consent of the owner of
 24 that property. The placing or possession of any trap or the
 25 possession of a bobcat or part thereof on any land is prima facie
 26 evidence of a violation of this subdivision.

27 (e) Pursuant to the requirements of subdivision (c) of Section
 28 4006, the commission shall set trapping license fees for the
 29 2014–15 season, and any subsequent seasons in which bobcat
 30 trapping is allowed, at the level necessary to fully recover all
 31 reasonable administrative and implementation costs of the
 32 department and the commission associated with the trapping of
 33 bobcats in the state.

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.

39 SEC. 4. No reimbursement is required by this act pursuant to
 40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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