

Proposed Regulatory Language

Section 251.5, Title 14, California Code of Regulations, is hereby amended as follows:

§ 251.5. Possession of Game Birds, Game Mammals, Exotic Game Mammals, Furbearers, Nongame Birds and Nongame Animals Mammals, Possession Of.

- (a) Migratory game birds may not be held beyond the period provided by the federal regulations and in accordance with the daily bag and possession limits prescribed by these regulations (see sections 257 and 502).
- ~~(b) Live mountain lions may be possessed only under terms of a permit issued by the Department pursuant to section 2150 of the Fish and Game Code or if the owner can demonstrate that the mountain lion was in his/ her possession on or before June 6, 1990, under a permit issued pursuant to section 3200 of said code.~~
- ~~(c)~~(b) Every game bird, game mammal, exotic game mammal, furbearer ~~or nongame animal, nongame bird, or nongame mammal,~~ taken under the authority of a hunting ~~or trapping~~ license ~~and reduced to possession by the hunter, or trapper~~ shall be immediately killed and become a part of the daily bag limit.

NOTE: Authority cited: Sections 200, 203, ~~265, 275, 3005.5,~~ 3800 and 4150, Fish and Game Code. Reference: Sections ~~110, 200, 201, 203, 203.1, 265, 275,~~ 2000, 2001, 3005.5, ~~3800, 3965,~~ 4001, 4150, and ~~4650 and 4800,~~ Fish and Game Code.

Proposed Regulatory Language

Section 465.5, Title 14, California Code of Regulations, is hereby amended as follows:

§ 465.5. Use of Traps.

- (a) Traps Defined. Traps are defined to include padded-jaw leg-hold, steel-jawed leg-hold, and conibear traps, snares, dead-falls, cage traps and other devices designed to confine, hold, grasp, grip, clamp or crush animals' bodies or body parts. ~~A body-gripping trap is one that grips the mammal's body or body part, including, but not limited to, steel-jawed leg-hold traps, padded-jaw leg-hold traps, conibear traps, and snares.~~
- (b) Affected Mammals Defined. For purposes of this section, furbearing mammals, game mammals, exotic game mammals, nongame mammals, and protected mammals are those mammals so defined by statute on July 1, 2024, in sections 3950, 3965, 4000, 4150 and 4700 of the Fish and Game Code.
- (c) Prohibition on Trapping for the Purposes of Recreation or Commerce in Fur. It is unlawful for any person to trap for the purposes of recreation or commerce in fur any furbearing mammal or nongame with any body-gripping trap. ~~A body-gripping trap is one that grips the mammal's body or body part, including, but not limited to, steel-jawed leg-hold traps, padded-jaw leg-hold traps, conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping traps and may be used to trap for the purposes of recreation or commerce in fur any furbearing or nongame mammal.~~
- (d) Prohibition on Exchange of Raw Fur. It is unlawful for any person to buy, sell, barter, or otherwise exchange for profit, or to offer to buy, sell, barter, or otherwise exchange for profit, the raw fur, as defined by Section 4005 of the Fish and Game Code, of any furbearing mammal or nongame mammal that was trapped in this State, ~~with a body-gripping trap as described in subsection (c) above.~~
- (e) Prohibition on Use of Steel-jawed Leg-hold Traps by Individuals. It is unlawful for any person to use or authorize the use of any steel-jawed leg-hold trap, padded or otherwise, to capture any game mammal, exotic game mammal, furbearing mammal, nongame mammal, protected mammal, or any dog or cat.
 - (1) Exception for Extraordinary Case to Protect Human Health or Safety. The prohibition in subsection (e) does not apply to federal, state, county, or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise prohibited padded-jaw leg-hold trap is the only method available to protect human health or safety.
 - (A) Leg-hold Trap Requirements. Leg-hold traps used to implement subsection (e)(1) must be padded, commercially manufactured, and equipped as provided in subsections (A)1. through (A)5. below.
 - 1. Anchor Chains. Anchor chains must be attached to the center of the padded trap, rather than the side.

2. Chain Swivels. Anchor chains must have a double swivel mechanism attached as follows: One swivel is required where the chain attaches to the center of the trap. The second swivel may be located at any point along the chain, but it must be functional at all times.
3. Shock Absorbing Device. A shock absorbing device such as a spring must be in the anchor chain.
4. Tension Device. Padded leg-hold traps must be equipped with a commercially manufactured pan tension adjusting device.
5. Trap Pads. Trap pads must be replaced with new pads when worn and maintained in good condition.

~~(f) Use of Non-Body Gripping Traps for Purposes of Recreation or Commerce in Fur. Any person who utilizes non-body-gripping traps for the take of furbearing mammals and nongame mammals for purposes of recreation or commerce in fur must comply with the provisions of subsections (g)(1) through (3) below.~~

~~(1)~~(f) Trap Number Requirement. Any person or their designee who traps furbearing mammals or nongame mammals shall obtain a trap number issued by and registered with the department by completing the Depredation Trap Numbering form provided by the department available on the department's website at <https://wildlife.ca.gov/Licensing/Directory>. Information required by the form includes the current date, primary contact individual's first and last name, (if for a business, the name of the business); telephone number, residence or business address, or parcel number(s). All traps, before being put into use, shall bear only the current registered trap number or numbers of the person using, or in possession of those traps. This number shall be stamped clearly on the trap or on a metal tag attached to the chain of the trap or to any part of the trap.

(g) Use of Conibear Traps, Snares, Cage and Box Traps, Nets, Suitcase-type Live Beaver Traps and Common Rat and Mouse Traps for Purposes Unrelated to Recreation or Commerce in Fur. Conibear traps, snares, cage and box traps, nets, suitcase-type live beaver traps and common rat and mouse traps may be used by individuals to take authorized mammals for purposes unrelated to recreation or commerce in fur, including, but not limited to, the protection of property, in accordance with subsections (1) through (5) below. Except for common rat and mouse traps, all traps used pursuant to this subsection must be numbered as required by subsection (f) ~~(1)~~ above. ~~The prohibitions of subsections (c) and (d) above shall apply to any furbearing or nongame mammal taken by a conibear trap or snare pursuant to this subsection (g).~~

(1) Immediate Dispatch or Release. All furbearing and nongame mammals that are legal to trap must be immediately killed or released. Unless released, trapped animals shall be killed by shooting where local ordinances, landowners, and safety permit. This regulation does not prohibit employees of federal, state, or local government from using chemical euthanasia to dispatch trapped animals.

(2) Trap Visitation Requirement. All traps shall be visited at least once daily ~~by the owner of the traps or his/her designee~~ and animals removed by the owner or tenant of the premises, or by their authorized representative employees, agents or trapping service.

(A) ~~Such designee representative shall carry on his/her~~ their person written authorization, as owner's or tenant's representative to place and to check traps.

(B) In the event that an unforeseen medical emergency prevents the owner or tenant, or their representative of the traps from visiting traps another person may, with written authorization from the trap's owner, check traps as required.

~~The designee and the person who issues the authorization to check traps shall comply with all provisions of Section 465.5. Each time traps are checked all trapped animals shall be removed.~~

. . . *[No changes to subsections (g)(3) through (h)]*

NOTE: Authority cited: Sections 200, 203, 219, 265, 3003.1, 3005.5, 4001, 4005, and 4009.5, Fish and Game Code.

Reference: Sections 110, 200, 203, 203.1, 265, 3003.1, 3005.5, 3950, 3965, 4000, 4001, 4004, 4005, ~~4009.5~~, 4150, 4152, 4180 and 4700, Fish and Game Code.

Proposed Regulatory Language

Section 467, Title 14, California Code of Regulations, is hereby amended as follows:

§ 467. Annual Statement of Licensee. Trapping Reports.

~~All holders of trapping licenses must submit to the department a sworn statement or report by July 1 of his/her annual take of fur for the preceding trapping season. Statement or report shall show the number of each kind of furbearing mammals and nongame mammals taken, number sold, county in which furs were taken and the names and addresses of the persons to whom furs were shipped or sold. If the annual report is not received by July 1 following the most recent trapping year, or if it is not completely filled out, the trapper's license will be suspended. The commission shall be notified of any suspension and, subsequently, may revoke or reinstate applicant's license renewal application after written notice is given to the applicant and after he has been afforded an opportunity to be heard.~~

(a) Annual Statement of Licensee. All holders of trapping licenses shall submit to the department a sworn annual statement by July 1 following their previous license year's take of fur bearing mammals and nongame mammals on an Annual Statement of Licensee form provided by the department, available on the department's website at <https://wildlife.ca.gov/Licensing/Directory>.

- (1) The Annual Statement Of Licensee shall include: the number taken of each kind of furbearing mammals and nongame mammals; the county in which each animal was taken; and whether take was lethal or nonlethal.
- (2) Licensees who did not take any furbearing or nongame mammals shall submit to the department a sworn annual statement by indicating "zero" or "no take".
- (3) A licensee shall ensure, to the extent possible, that trapping activities do not result in incidental take of wildlife. Any incidental take shall be reported by the licensee to the department with the required information for the species taken.
 - (A) If an animal is not injured as a result of incidental take, it shall be immediately released.
 - (B) If an animal is orphaned or injured as a result of incidental take, the licensee may transport the injured animal to the nearest permitted wildlife rehabilitator as provided in Section 679.2. The Annual Statement of Licensee shall record the name of the rehabilitator and the date of transfer if such action was taken.
 - (C) If an animal is killed as a result of incidental take, the licensee shall dispose of the carcass pursuant to all federal, state, and local jurisdiction requirements.
- (4) Take of State or Federal Threatened or Endangered Species. Any incidental take of state or federally listed threatened, endangered, or candidate wildlife, or wildlife designated as fully protected in the State of California shall be reported by the licensee to the department with the required information for the species taken (if any), as set forth in subsection (a). The licensee shall also report any take to the nearest U.S. Fish and Wildlife Service (USFWS) Ecological Services Field Office within 7 calendar days of

the take and provide in writing his or her name, license number, date, species and sex (if known) of the animal taken, and exact location of the take as provided in 50 CFR 21.

(b) If the Annual Statement Of Licensee is not received by July 1 following the previous license year, or if the statement is incomplete, the trapper's license will be suspended, or the trapper's license application will be denied. The license or application will remain suspended or denied until the department receives the completed statement. Holders of trapping licenses may verify the reporting status of their current license by logging into Online License Sales and Services (available at <https://wildlife.ca.gov/Licensing/Online-Sales>) and selecting "License Reporting."

(c) Acknowledgement and Signature. In accordance with FGC Section 4008, "I certify under penalty of perjury that the information submitted in this Annual Statement of Licensee is complete and accurate to the best of my knowledge and belief that the wildlife described herein were legally taken and legally possessed. I understand that any false statement or omission may be subject to civil, criminal, and administrative penalties under the laws of the State of California." If an applicant signs the application electronically, the following language is included: "With accordance to California Civil Code §1633.5(b), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwriting signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it."

NOTE: Authority cited: Sections 200, 203, ~~265~~, 1050, 4005, 4008, 4009.5 and 4150, Fish and Game Code.

Reference: Sections ~~110, 200, 201, 203, 203.1, 260, 265, 270, 275, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4009.5, 4010, 4011 and 4012~~, 4150, 4152, and 4180 Fish and Game Code.

Proposed Regulatory Language

Section 474, Title 14, California Code of Regulations, is hereby amended as follows:

§ 474. Hours for Taking of Nongame Mammals.

(a) Nongame mammals may be taken at any time except as provided in this section. This section does not pertain to the legal take of nongame mammals with traps.

~~(a)~~ (b) Area Closed to Night Hunting. Nongame mammals may be taken only between one-half hour before sunrise and one-half hour after sunset in the following described area:

Beginning at a point where Little Panoche Road crosses Interstate 5 near Mendota; south on Interstate 5 to Highway 198; east on Highway 198 to Highway 99; south on Highway 99 to Interstate 5; south on Interstate 5 to the Los Padres National Forest boundary in Section 8, T 9 N, R 19 W, S.B.B.M near Fort Tejon Historical Monument; west along the National Forest boundary to Cerro Noroeste Road; northwest on Cerro Noroeste Road to Highway 33-166; north on Highway 33-166 to the Soda Lake Road; northwest on the Soda Lake Road and on the Simmler Soda Lake San Diego Creek Road to Highway 58 at Simmler; west on Highway 58 to the Cammotti Shandon Road; north on the Cammotti Shandon Road to the Shandon San Juan Road; north on the Shandon San Juan Road to Highway 41; northeast on Highway 41 to the Cholame Valley Road; northwest on Cholame Valley Road and Cholame Road to the Parkfield Coalinga Road in Parkfield; north on Parkfield Coalinga Road and Parkfield Grade to Highway 198; northwest on Highway 198 to the Fresno-Monterey county line; north along the Fresno-Monterey county and Fresno-San Benito county lines to the Little Panoche Road; north and east on the Little Panoche Road to the point of beginning at Interstate 5.

~~This section does not pertain to the legal take of nongame mammals with traps as provided for by Sections 461-480 of these regulations, and by Sections 4000, 4012, 4152 and 4180 of the Fish and Game Code. (This regulation supersedes Section 3000 of the Fish and Game Code.)~~

~~(b)~~ (c) On privately-owned property, not included in ~~(a)~~ (b) above, nongame mammals may be taken from one-half hour after sunset to one-half hour before sunrise only.:

(1) by the landowner or ~~his agents~~, their tenant; or

(2) by persons who have in their immediate possession written permission issued by the landowner or their tenant to enter the property for the purpose of taking nongame mammals. ~~that states the permittee can trespass from one-half hour after sunset to one-half hour before sunrise on property under the ownership or control of such landowners or tenants.~~

~~(c)~~ (d) Fallow deer, axis deer, sambar deer, sika deer, aoudad, mouflon, tahr and feral goats may be taken only from one-half hour before sunrise to one-half hour after sunset.

NOTE: Authority cited: Sections 3000 and 4150, Fish and Game Code.

Reference: Sections 3000, 4001, 4152 and 4180 and 4150, Fish and Game Code.

Proposed Regulatory Language

Section 478, Title 14, California Code of Regulations, is hereby amended as follows:

§ 478. Bobcat.

- (a) It shall be unlawful to hunt, trap, pursue, take or possess any bobcat without first procuring a hunting license and bobcat hunting tags, or depredation permit issued pursuant to Section 401 of these regulations as in subsection (b) below. ~~This Section shall not apply to bobcats taken for purposes of property protection pursuant to Section 4152 of the Fish and Game Code and Section 401 of these regulations.~~
- (b) ~~Hunting: The pursuit, take, or possession of a bobcat under the authority of a hunting license and a bobcat hunting tag shall be in accordance with the provisions of Section 3960 of the Fish and Game Code, this Section, and sections 472, 473, 474, 475, 478.1 and 479 of these regulations. Bobcats may be taken statewide under the authority of a hunting license and bobcat hunting tags between October 15 through February 28. The bag and possession limit is five bobcats per season.~~
- ~~(c)~~(b) Trapping: It shall be unlawful to trap any bobcat, or attempt to do so, or except as provided in Section 401 of these regulations. Bobcats taken pursuant to a depredation permit shall be disposed of as required in the permit. It shall be unlawful to sell or export any bobcat or part of any bobcat taken in the State of California. Any holder of a trapping license person who traps a bobcat that is not the target species identified in a depredation permit issued by the department shall immediately release any the bobcat to the wild that is healthy and unharmed. A bobcat trapped that is injured, diseased, or orphaned shall be transferred to a native wildlife rehabilitation permittee in accordance with Section 679.2 of these regulations.

NOTE: Authority cited: Sections 200, 265, 4150, ~~and 4155,~~ 4157, 4158 and 4181. Fish and Game Code. Reference: Sections 3960, 4150, ~~and 4155,~~ 4157 and 4158, Fish and Game Code.

Proposed Regulatory Language

Section 479, Title 14, California Code of Regulations, is hereby amended as follows:

§ 479. Bobcat Pelts and Fur Products.

- (a) Except for bobcats lawfully taken under a hunting license prior to January 1, 2020 and tagged with a completed bobcat hunting tag as set forth in Section 478.1 affixed to the pelt, or as provided in subsection 479(b), it shall be unlawful for any person to possess, whether for sale, export, or personal use, any bobcat pelt or part thereof taken in California without a department mark or shipping tag affixed to the pelt or part. Beginning November 20, 2015, the department shall not affix a department mark or shipping tag on any bobcat pelt.
- (b) It is unlawful for any person to import, receive from out-of-state, or receive for sale, any bobcat pelt, or parts thereof that is not:
- (1) Marked with the current United States Fish and Wildlife Service Convention on International Trade in Endangered Species export or shipping tag (50 CFR Part 23) from the state of origin; and
 - (2) Accompanied by ~~an import declaration in accordance with Section 2353 of the Fish and Game Code, and~~ a Declaration of Importation of Dead Wildlife form DFW 901, executed and submitted to the Department on paper or online, as provided in Section 712.5, specifying the number and kind of raw pelts ~~in the shipment~~, the state in which the bobcats were taken, the license number under which they were taken and attesting that they were legally taken. ~~Demonstration of the declaration of entry, pelt ownership and proof of legal take and marking is required of anyone receiving bobcat pelts from out-of-state upon the request of the department.~~
 - (3) The person in possession of the bobcat pelts or parts thereof shall have in their possession the documents required herein and shall present the documents upon the request of the department.
- (c) It is unlawful for any person to import, receive from out-of-state, or receive for sale, the pelt of any furbearing or nongame mammal that is not accompanied by the Declaration of Dead Wildlife form DFW 901 as described in (b)(2).
- (d) A person who sells or trades a “used fur product” or an exempt “fur product” shall maintain a record of sale or trade for each item for at least one year. The record of sale for a used fur product shall contain at minimum the following information:
- (1) The first and last name of the seller and first and last name of the buyer,
 - (2) The date, location and purchase price for the sale,
 - (3) A complete description each individual used fur product or exempt fur product including, brand and model name/number or identifying markings/labels applied, and
 - (4) The size, color, and species of furbearing or nongame animal(s) fur that comprising the fur product.

(5) In addition to the above information, a person who sells or trades an exempt “fur product” for religious purposes and/or traditional tribal, cultural, or spiritual purposes by a member of a federally recognized Native American tribe or a nonfederally recognized California Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, shall indicate the tribal or religious affiliation allowing for the exemption to sell or trade a fur product.

NOTE: Authority cited: Sections 2353, 3003.1, 4150, ~~and 4155~~, 4157 and 4158, Fish and Game Code. Reference: Sections 2023, 2353, 3003.1, 4150, ~~and 4155~~, 4157 and 4158, Fish and Game Code.

Proposed Regulatory Language

Section 696, Title 14, California Code of Regulations, is repealed:

~~§ 696. Fur Dealer and Fur Agent Licenses.~~

~~(a) Fur Dealer License. Every person engaging in, carrying on, or conducting, wholly or in part, the business of buying, selling, trading or dealing in raw furs of furbearing mammals or nongame mammals shall first procure a fur dealer license.~~

~~Each licensed fur dealer shall submit, not later than July 1, to the Department of Fish and Wildlife at 1416 Ninth Street, Sacramento, California 95814 (or by postal delivery to P.O. Box 944209, Sacramento, CA 94244-2090), an annual report on forms provided by the department.~~

~~(b) Fur Agent License. Any person employed by a licensed fur dealer to engage in the business of buying, selling, trading or dealing in raw furs only on behalf of the fur dealer, and not on his own behalf, shall first procure a fur agent license, providing that the fur dealer employing that person has submitted the annual report required in (a) above. Such licenses shall be valid for a term of one year from July 1, or if issued after the beginning of such term, for the remainder thereof.~~

~~(c) It shall be unlawful for any fur dealer or fur agent to purchase the raw fur of any furbearing mammal or nongame mammal from any person who does not hold a valid trapping license, fur dealer license, or fur agent license.~~

NOTE: Authority cited: Sections 4009.5, 4042 and 4150, Fish and Game Code. Reference: Sections 4009.5, 4030-4043 and 4150, Fish and Game Code.