



Tracking Number: (2023-13)

SECTION I: Required Information.

1. Person or organization requesting the change (Required)

Name of primary contact person: **Rebecca Dmytryk**

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Sections 200, 203, 219, 265, 3003.1, 4005 and 4009.5, Fish and Game Code. Reference: Sections 110, 200, 203, 203.1, 265, 3003.1, 4004, 4005, 4009.5, 4152 and 4180, Fish and Game Code.

3. Overview (Required) - Summarize the proposed changes to regulations:

Petitioner seeks to have section §465.5 amended to comply with Fish and Game Code, specifically sections 4180 and 4152, and to clarify certain sections that are somewhat ambiguous. Please see the suggested changes being proposed:

- 1) *§ 465.5 Use of Traps (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 mammal 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.*



Tracking Number: (_____)

- 2) *§ 465.5 Use of Traps (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.*

- 3) *§ 465.5 Use of Traps (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.*

- 4) *§ 465.5 Use of Traps (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).* (f) Use of Traps for Purposes Unrelated to Recreation or Commerce in Fur. Any person who utilizes non-body-gripping traps, cage or box traps, nets, suitcase-type live beaver traps, conibear traps, snares, or traps authorized under 465.5 (e)(1), to take authorized mammals for purposes unrelated to recreation or



Tracking Number: (_____)

commerce in fur, including, but not limited to, the protection of property as granted under FGC § 4152 and FGC § 4180, must comply with each of the following provisions.

(1) Trap Number Requirement. (...)

(2) Immediate Dispatch or Release (...)

(3) Trap Visitation Requirement (...)

(4) Trap Placement Requirement. (...)

(5) Placement of Conibear Traps. (...)

(6) Zones Prohibited to the Use of Conibear-type Traps and Snares. (...)

465.5 (g) Statutory Penalty for Violation of Provisions. (...)

5) *§465.5 Use of Traps ~~(g)(1)~~ (f)(2) Immediate Dispatch or Release. All furbearing and nongame mammals that are legal to trap must be immediately killed or released on site. (...)*

6) *§465.5 Use of Traps ~~(g)(3)~~ (f)(4) Trap Placement Requirement. Traps may not be set within 150 yards of any structure used as a permanent or temporary residence, unless such traps are set by a person controlling such property or by a person who has and is carrying with him written consent of the landowner to so place the trap or traps. a habitable dwelling without the written consent of the property owner(s) of those dwellings. The person setting the trap(s) must carry with them the written consent of those property owners. This requirement shall not apply to a person setting a trap for wildlife within an enclosed space that has been sufficiently sealed to prevent other animals from gaining entry and access to the trap.*



Tracking Number: (_____)

4. Rationale (Required) - Describe the problem and the reason for the proposed change:

1. Commercial and recreational fur trapping was outlawed years ago, yet §465.5 (c) states *"Cage and box traps, nets, suitcase-type live beaver traps (...) may be used to trap for the purposes of recreation or commerce in fur any furbearing or nongame mammal,"* and therefore should be amended to conform with current law.

2. We are suggesting removal of the last statement *"with a body gripping trap as described in subsection (c) above,"* as this implies if animals are trapped by other means, their pelts could be exchanged for profit.

3. Instead of simply striking references to recreation and commerce in fur in this section, we believe it makes more sense to remove it and ass the trap number provision to the subsequent section, which would actually be reassigned "f".

#4. Consolidating the provisions for use of traps under one heading rather than having (f)(1) separate, will make it less confusing. We also believe it's important to reaffirm that these regulations apply to anyone utilizing a trap for wildlife.

5. §465.5 (g)(1) Immediate Dispatch or Release, states *"All furbearing and nongame mammals that are legal to trap must be immediately killed or released,"* which leaves room for interpretation and has led to wildlife officers not being able to act on potentially unlawful acts due to the ambiguous language. It should state clearly that animals are to be immediately released on site or euthanized on site.

Additionally, it may be valuable to also refer to the regulation that states that wildlife may not be relocated without authorization from the Department.



Tracking Number: (_____)

6. As it currently reads, §465.5 (g)(3) is awkward, leaving much room for interpretation, which, for decades, has led to confusion - even among law enforcement officers, resulting in officers being unable to act on potentially unlawful acts due to the way this subsection is written.

We also recommend additional language to exempt persons from this requirement so they may set a trap for an animal within an enclosed space, like an attic or basement, where no other animals are able to gain access.

SECTION II: Optional Information

5. Date of Petition: 10-13-23

6. Category of Proposed Change

- Sport Fishing
- Commercial Fishing
- Hunting
- Other, please specify: General trapping regulations.

7. The proposal is to:

- Amend Title 14 Section(s): **§ 465.5.**
- Add New Title 14 Section(s):
- Repeal Title 14 Section(s):

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition. **Not applicable.**



Tracking Number: (_____)

- 9. Effective date: If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: **Not applicable.**

- 10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents:

- 11. Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing:

- 12. Forms: If applicable, list any forms to be created, amended or repealed:

SECTION 3: FGC Staff Only

Date received: Nov 8, 2023

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- Denied by FGC
- Denied - same as petition _____
- Granted for consideration of regulation change