Date of Hearing: July 2, 2013

ASSEMBLY COMMITTEE ON WATER, PARKS AND WILDLIFE
Anthony Rendon, Chair
SB 132 (Hill) – As Amended: June 24, 2013

SENATE VOTE: 39-0

SUBJECT: Mountain Lions

SUMMARY: Requires nonlethal means to be used when removing a mountain lion that is not an imminent threat to public health or safety, and authorizes the Department of Fish and Wildlife (DFW) to partner with other qualified entities to implement the nonlethal procedures. Specifically, this bill:

1) Requires nonlethal procedures to be used when removing or taking any mountain lion that has not been designated as an imminent threat to public health or safety. Defines "imminent threat" to mean a situation where a mountain lion exhibits aggressive behavior toward a person that is not reasonably believed to be due to the presence of responders. Defines "nonlethal procedures" as procedures that may include, but are not limited to, capturing, pursuing, anesthetizing, temporarily possessing, temporarily injuring, marking, attaching to or surgically implanting monitoring or recognition devices, providing veterinary care, transporting, hazing, rehabilitating, releasing, or taking no action.

2) Authorizes the DFW, as they determine necessary to protect mountain lions or the public, to authorize qualified individuals, educational institutions, governmental agencies, or nongovernmental organizations to implement nonlethal procedures, as defined, on a mountain lion.

3) States legislative findings that the provisions of this bill are consistent with, and further the purposes of, the California Wildlife Protection Act of 1990.

EXISTING LAW:

1) Makes it unlawful to take, injure, possess, transport, import or sell any mountain lion or any part or product thereof, with limited exceptions. (Proposition 117, 1990 Statewide Initiative).

2) Requires a 4/5ths vote of the Legislature to amend Proposition 117, and requires that any amendment be in furtherance of the purpose of the initiative.

3) Authorizes the possession of a legally obtained mountain lion carcass for display for a scientific or educational purpose at a nonprofit or government owned museum or educational institution.

4) Authorizes DFW to approve scientific research projects involving mountain lions.

FISCAL EFFECT: According to the Senate Appropriations Committee analysis, minor costs.
COMMENTS: The California Wildlife Protection Act (Proposition 117), which was enacted by the voters through a statewide ballot initiative in 1990, protects mountain lions from being hunted or killed. The mountain lion, whose scientific name is *Puma concolor*, is California's largest remaining natural predator, and is recognized as a keystone species that plays an integral role in maintaining the balance of wildlife populations and the overall health of the state's natural ecosystems. The law provides exceptions that allow for the killing of a mountain lion that poses an immediate threat to public health or safety, and for depredating lions that are found injuring crops or livestock.

This bill has been introduced in part in response to recent incidents involving the killing of juvenile mountain lions that, in hindsight, were determined not to have been posing a threat to public health or safety. In one particular incident in November 2012, two mountain lion cubs found hiding under a porch in a suburb near a state park in Half Moon Bay were killed by the DFW, after which it was determined that the malnourished cubs were only about 4 months old and weighed less than 15 pounds apiece, which is about the size of an average house cat. The DFW, in their defense, pointed out that the law lacks clarity with regard to the state's authority to partner with qualified rehabilitation facilities that could care for the lions until such time as they could be released back into the wild. This bill would provide that authority. The use of nonlethal means, including tranquilizing and subsequent rehabilitation and potential release, would be required only in those cases where the lion has *not* been determined to pose an immediate threat to public health or safety.

Following the incident in Half Moon Bay, the DFW released a new draft policy on March 1, 2013 to update and improve existing DFW policy and, in part, to address how to more effectively manage and respond to human/mountain lion interactions. The draft policy proposes creation of Response Guidance Teams (RGTs) of specified personnel to provide consultation when potential human conflict or public safety situations involving mountain lions occur. The draft policy retains the existing process for issuing depredation permits and contains additional training and communication requirements.

The draft DFW policy for responding to mountain lion incidents involving potential human conflict situations calls for the RGT to be consulted by responding personnel and for non-lethal options for removing or taking the animal, including possible rehabilitation, to be explored. Assistance could be sought from nongovernmental organizations (NGOs). Under the policy, potential human conflict situations would remain subject to immediate re-classification as public safety threats as necessary, and eligibility for rehabilitation would be limited to lions that were not public safety or depredation threats. Much of the draft policy depends upon the DFW’s existing authority. However, the DFW believes it requires additional authority to implement the new policy related to mountain lion rehabilitation and working with NGOs.

**Purpose of this bill – protecting mountain lions and public safety:** The author has introduced this bill to provide the DFW with the necessary tools to use nonlethal means to deal with mountain lions that do not pose an immediate threat to humans, while preserving the DFW's clear authority to kill mountain lions that do pose such an imminent threat. This bill also authorizes the DFW to partner with nonprofit groups and other qualified entities that have relevant wildlife expertise to assist the DFW in responding to mountain lion incidents that do not pose an imminent threat.

**Is the population of mountain lions in California increasing?** According to the available data, while there is considerable uncertainty regarding the current population of mountain lions in
California, it is generally believed by most mountain lion biologists that the statewide population is smaller today than it was 10 years ago, primarily due to habitat loss. Based on depredation data maintained by the DFW, the population is believed to have peaked in 1996, decreased somewhat after that, and remained relatively stable or decreasing for the past several years. Most mountain lion biologists estimate the current population at about 4,000 lions statewide. The DFW estimates the population at between 4,000 and 6,000 animals, though they acknowledge this is a crude estimate. Depredation data maintained by the DFW appears to corroborate the belief that the population is lower today than 10 years ago and dropping. Both the numbers of depredation permits issued, and the number of lions killed pursuant to depredations permits were lower in 2011 than in 1990 when the law protecting mountain lions was enacted. In 1990, 193 depredation permits were issued. The number of permits peaked in 1995 at 331, and dropped to 116 in 2011. Similarly, the number of lions killed pursuant to depredation permits was 71 in 1991, peaked at 148 in 2000, and dropped to 55 in 2011. While it may appear that the number of mountain lions has increased based on the frequency of reported sightings, the number of sightings is likely due at least in part to the significant increase in the human population in California, and the associated increase in development which has encroached into the urban/wild land interface, while available mountain lion habitat has been reduced. Development and related infrastructure also frequently cut across wildlife corridors, which can lead to increased human/wildlife interactions.

How frequent are mountain lion attacks on humans? Mountain lion attacks on humans are rare. Mountain lions feed predominantly on deer, but may also prey on other animals. Since 1986 there have been 14 verified attacks on humans, 3 of which were fatal. Reports of mountain lion predation on small pets and livestock are more common. The Department documents several hundred incident or sighting reports per year. According to the DFW, the vast majority of these reports (79 percent) are resolved by providing information about the natural history and behavior of mountain lions. Another 18 percent are legitimate threats posed by mountain lions that can be resolved by modifying human behavior. As noted above, in 2011, the most recent year for which data is available, 116 depredation permits were issued, under which 55 mountain lions were taken. The Mountain Lion Foundation estimates that since the passage of Proposition 117 in 1990, 2,400 mountain lions have been killed in California as a result of the issuance of depredation permits, and 139 have been killed for public safety reasons.

Note: This bill requires a 4/5ths vote of the Legislature for passage since it amends Proposition 117. Amendments to Proposition 117 by its own terms require a 4/5ths vote and must be consistent with and in furtherance of the purposes of the initiative.

Support Arguments: Supporters note this bill will assure protection of mountain lions that have caused no harm and do not pose an imminent threat, and whose only mistake is to have accidentally wandered into contact with humans, while providing the DFW with the authority to partner with qualified entities that can assist in resolving mountain lion encounters through non-lethal means. Other supporters note the public supports the use of nonlethal methods for addressing human and wildlife conflicts when feasible and consistent with public safety. By clarifying what constitutes an imminent threat and authorizing the DFW to work with qualified organizations that can assist with rehabilitation and relocation where appropriate, this bill will assist in protecting mountain lions and the public. Supporters also include organizations that provide wildlife rehabilitation services and have offered to assist the DFW in implementing its new draft policy.
Opposition Arguments: Amendments adopted in the Senate removed all registered opposition.

REGISTERED SUPPORT / OPPOSITION:

Support

Action for Animals
American Society for the Prevention of Cruelty to Animals
Animal Rescue Team
Born Free USA
Earth Island Institute
Felidae Conservation Fund
Feline Conservation Center of the Exotic Feline Breeding Compound, Inc.
Folsom City Zoo Sanctuary
In Defense of Animals
Mountain Lion Foundation
Oakland Zoo
Ojai Wildlife League
Paw PAC
Planning and Conservation League
Project Coyote
Public Interest Coalition
Sierra Club California
Sierra Nevada Alliance
The Humane Society of the United States
The Marin Humane Society
Wildlife Emergency Services
Over 1,000 individuals

Opposition

None on file

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