LETTER IN SUPPORT FOR REGULATIONS TO BAN NIGHT-TIME HUNTING AND LETHAL TRAPPING IN GRAY WOLF TERRITORY (PETITION #2015-010)
Public Forum, February 8, 2017 California Fish & Game Commission Meeting
California Fish and Game Commission (“the Commission”)
President Erick Sklar
Commissioner Jacque Hostler-Carmesin
Commissioner Burns
Commissioner Silva
Commissioner Anthony Williams
Executive Director Valerie Termini

California Fish & Wildlife Department (“the Department”)
Executive Director Charles Bonham
Deputy Director of Wildlife and Fisheries Stafford Lehr

Re: REQUEST FOR URGENT ACTION FOR COMMISSION ACT ON REGULATIONS BANNING NIGHT-TIME HUNTING AND LETHAL TRAPPING IN GRAY WOLF TERRITORY (PETITION #2015-010) (Public Forum, February 8, 2017 FGC Meeting)

Dear President Sklar, Executive Director Termini, Fish & Game Commissioners, Director Bonham, and Deputy Director Lehr,

We, non-profit wildlife conservation organizations (listed below) who collectively represent over 3,100,000 Californians, write to express our strong and urgent request for the Commission to act on passing regulations to ban night-time hunting and lethal trapping of coyotes and other species within the range of the gray wolf in California (Petition #2015-010), submitted on December 4, 2015.

It has been over fourteen months since the petition’s submission, yet it appears that both the Department and Commission have made little to no progress on this rulemaking. This lack of action is unacceptable. The need to adopt regulations to protect California’s precarious wolf population is urgent, particularly in light of the confirmation of the presence of two gray wolves in Lassen County in November 2016 and the ongoing wildlife killing contests permitted in northern California. While we are appreciative of the Commission and Department’s efforts regarding California’s Conservation Plan for Gray Wolves, this petition calls for targeted regulations to protect wolves from mistaken killings in their occupied and potential territory. The Commission’s adoption of this regulation is highly prudent because it reduces the state’s risk of violating both state and federal law should any wolves be killed.

As the Commission is well aware, the recovery of California’s gray wolf population is precarious in light of the Shasta Pack and the two Lassen wolves currently known to be residing in the state. In recognition of this status, the gray wolf is listed as endangered under both the state and federal Endangered Species Acts (“CESA” and “ESA”). While these regulatory mechanisms render both the intentional and accidental taking of gray wolves in California illegal, specific regulations are necessary to protect wolves in the state from one of the greatest threats to their recovery: the accidental killing of gray wolves mistaken for other species, particularly coyotes, in night-time hunting and lethal trapping currently permitted in occupied and potential wolf territory. We urge the Commission to take swift action on the

1 In a meeting between Department representatives and Center for Biological Diversity on December 5, 2016, the Department reported that the only progress that had been made on this rulemaking since the Commission’s April referral was stakeholder meetings with agriculture and livestock groups. It appears that no other action has been taken.
requested regulations in order to greatly reduce the risk of future takings of wolves in violation of the ESA and CESA.

These threats of mistaken killing are particularly acute during this time period, when California towns like Adin in the northeastern part of the state sponsor their annual February coyote killing contests. Well-documented cases across the United States show that wolves have frequently been killed by hunters targeting coyotes and other species. California’s current regulations which permit night-time hunting and lethal trapping of coyotes and other nongame and furbearer species within the range of the gray wolf will, absent amendment, almost certainly result in the illegal take of the endangered gray wolf. The Commission’s adoption of a ban against such activities serves to greatly reduce the likelihood of ESA and CESA violations by hunters and trappers, as well as the Commission’s and Department’s own potential legal liability under these statutes.

Finally, as the petition and advocates have repeatedly stated, the protections we seek for the gray wolf are neither new nor extraordinary; identical protections are already afforded to California’s two other CESA-listed wild canids. Specifically, the Commission previously enacted prohibitions on night-time hunting and the use of lethal traps within the range of the endangered San Joaquin kit fox and Sierra Nevada red fox—protections identical to those we now seek on behalf of the gray wolf. The Commission should afford equal protective treatment to the endangered gray wolf population.

We urge the Commission to expeditiously adopt the ban in order to protect the federally and state-listed gray wolf and aid this important apex predator on its critical road to recovery in California. Thank you for your consideration of these comments. We look forward to the Commission’s swift action on this matter.

Sincerely,

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2 See Petition #2015-010 for further details.
3 See 14 CCR § 465.5(g)(5)(c), 466 and 474(a).
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