

# Memorandum

Date: July 10, 2020

To: Regional Managers  
Department of Fish and Wildlife

From: Stafford Lehr, Deputy Director  
Wildlife and Fisheries Division  
David Bess, Chief  
Law Enforcement Division



Subject: Statewide Mountain Lion Depredation Approach

Given evolving scientific knowledge and recent events involving mountain lions in California, the CDFW took a fresh look at how depredation permits are being administered statewide. Since 2017 our approach has been deliberative, starting with the 3-Step Policy being implemented in the Santa Monica Mountains and Santa Ana Mountains. In March 2020, the 3-Step policy was expanded to the larger proposed ESU contained in the Petition to list mountain lions under CESA. The proposed ESU encompasses an area stretching from San Francisco in the north to the Mexico border the south and from I-5/I-15 in the east to the coast. Also, during this recent timeframe, we have taken a close look at California Fish and Game Code Section 4801.5, which generally requires that non-lethal measures be used when taking mountain lions, and determined that it requires CDFW to implement an approach based on the code to depredation permits statewide. Therefore, we are giving the following direction for all depredation permits for mountain lions **outside** the boundaries of the proposed ESU:

1. Upon request from a property owner that has suffered livestock loss, a non-lethal Step 1 permit—consistent with Fish and Game Code section 4801.5—shall be issued that authorizes some element(s) of non-lethal take (e.g., pursuit, catch or capture or the attempt to pursue, catch or capture) along with protective enclosures or actions to protect their livestock<sup>1</sup>. Examples of non-lethal Step 1 take measures include:
  - a. Pursuit with ATV or other type of motorized vehicle
  - b. Pursuit with dogs
  - c. Use of non-lethal ammunition (rubber bullets, cracker shells, bean bag rounds)
2. Should the property owner suffer a second loss and have implemented the non-lethal take measures authorized, the Regional Manager should analyze and determine whether additional non-lethal take measures and recommendations should be pursued, and, if so, issue a second non-lethal permit. If not, and the Regional Manager documents why a second non-lethal permit is not feasible, then the Regional Manager has the discretion to

<sup>1</sup> Reporting parties should be provided with educational materials on preventive measures that they can undertake to minimize their chances of losing livestock to depredation.

- either: (a) use a structured process to consider translocation<sup>2</sup>; or (b) issue a lethal permit upon confirmation the property owner wishes to receive such a permit.
3. Wildlife staff will be responsible for handling and conditioning depredation permits. If wildlife staff are unavailable, LED can condition a Step 1 non-lethal permit. All responders (LED and Science) will receive training on the issuance of non-lethal Step 1 permits. If LED receives depredation requests, the process will be turned over to wildlife staff.
  4. After a second event at the property and the decision-process described in paragraph #2 above is completed, and lethal take is being considered, wildlife staff shall manage the process and the Regional Manager will be responsible for ultimate resolution.
  5. When the Regional Manager is considering how to proceed following the decision-process described in paragraphs #2 and 4 above, it is imperative to understand the situational awareness, including regional or local research and lion population dynamics, local sentiments, media attention, or other unique circumstances before rendering the final decision. The decision to issue the lethal permit is to be made by the Regional Manager after providing notification to the department's executive office. Should the Regional Manger determine that more input is needed or there are special circumstances, the Regional Manager has the option to convene an RGT to discuss options with the group.
  6. All permit processes will be documented in the Wildlife Reporting System within 24 hours of the event and CDFW staff will report the incident through their chain of command.
  7. Per FGC Section 4807, any mountain lion that is encountered while in the act of pursuing, inflicting injury to, or killing livestock, or domestic animals, may be taken immediately by the owner of the property or the owner's employee or agent. The Law Enforcement Division will be responsible for investigating the incident. All other requirements listed in FGC 4807 will be followed as described.

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<sup>2</sup> Structured Decision process for translocation is currently being developed.