

## **TOWN WILDLIFE COMMITTEE**

Agenda Item: Number 2  
January 27, 2010

### **STAFF REPORT**

**Subject:** Feeding of Wildlife  
**Initiated By:** Randy Schienle, Chief of Police

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#### **BACKGROUND:**

This past summer the Police Department responded to an address in the Old Mammoth area of Mammoth Lakes to investigate a person suspected of feeding bears and possibly other wildlife. During the course of the investigation it was determined that the caretaker of the home was feeding wild animals and had been putting out large quantities of dog food to attract wildlife to the residence. This person was cited for violation of Town of Mammoth Lakes Municipal Code 6.24.010, feeding of wild animals. This citation was forwarded to the Mono County District Attorney for prosecution.

Since that initial investigation the Police Department has been back to the same residence on two different dates regarding suspicions that wild animals were still being fed. MLPD officers responded to the residence with the assistance of Wildlife Contractor, Steve Searles. There was not sufficient evidence at the residence to indicate that bears were being fed; however, there was a bird feeder at the location that was filled with dog food and was clearly attracting smaller animals to the residence (squirrels, raccoons and coyotes). Both of these calls were documented through a police report.

With this information the California Department of Fish and Game was notified. Due to limited manpower they were not able to respond, but they did inform the Police Department that feeding of smaller animals was not a F&G code violation, only the feeding of large game animals would fall under their statutes.

#### **ANALYSIS/DISCUSSION:**

The Police Department fields occasional complaints and inquiries into persons feeding wildlife. Should an investigation determine that wild

animals are being fed there are a few code violations that can be used to cite individuals. These are primarily:

1. MLTO 6.24.010 – Prohibits the feeding of wild animals and is an infraction.
2. CCR Title 14, Section 251.1 – Harassment of Animals; Prohibits the harassment of game, mammals and furbearing mammals. Harassment is defined as an intentional act which disrupts an animal's normal behavior patterns...including feeding. This section is a misdemeanor violation.
3. CCR Title 14, Section 251.3 – Prohibits persons from feeding big game animals as defined in section 350, which includes bears. This section is also a misdemeanor violation.

The sections listed above require officers to either witness the feeding taking place in order to issue a citation on the spot; or, they can take a report and forward it to the District Attorney's Office for complaint filing.

There have been some who've suggested that the Town's Municipal Code should increase the fine for persons feeding wildlife, in order to further discourage such activity. In speaking with Town Attorney, Peter Tracy, he has informed me that Government Code Section 36900 provides that penalties for violations of city ordinances, which are deemed infractions, shall be \$100 for the first violation, \$200 for the second violation, and \$500 for any subsequent violations within one year. Thus, the Town's ability to increase such fines is limited by the Government Code.

As a result, the Police Department will likely be issuing citations for the Fish and Game Code misdemeanor sections, or submitting cases to the Mono County District Attorney's for filing consideration for further violations. The Police Department will continue to respond to calls for service regarding wildlife related concerns and will investigate such complaints completely. We will also continue to work with Town's Wildlife Specialist and other allied agencies, to assure that everything that can be done, is being done, to protect our wildlife resources.

### **OPTIONS ANALYSIS**

Option 1: File this report as information only.

Option 2: Direct Staff to do something additional with this report.

**VISION CONSIDERATIONS:**

Having a comprehensive wildlife management program is in the Town's best interest. Part of the success of any such program is having a clear understanding of what laws and codes can be enforced when violations are suspected. The intent of this staff report is to provide further clarification of this issue.

**RECOMMENDATION:**

Therefore, it is recommended that the members of the Wildlife Committee choose Option #1, and file this report as information only.