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CHANGES IN WILD PIG DEPREDACTION IN CALIFORNIA: A NEW LAW

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INTRODUCTION

Wild pigs (*Sus scrofa*) are exotic large mammals inhabiting much of California. The foraging behavior (rooting) of these prolific animals disturbs soil much like rototilling. This disruptive behavior is a major point of contention for public land managers and private landowners, especially owners of small parcels of private land.

Wild pigs are lawfully defined as game mammals (Section 3950, Fish and Game Code). As such, no part of a wild pig that would normally be eaten by humans can be legally left to waste in the field (Section 4304, Fish and Game Code). There are provisions (Sections 4181 and 4181.1, Fish and Game Code) that allow the taking of wild pigs causing damage to private property with a depredation permit issued by the California Department of Fish and Game. Animals taken under the authority of a depredation permit are required to be properly cared for (eviscerated) and made available to non-profit organizations for human consumption. This process has been deemed too cumbersome by many private landowners who have property damaged by wild pigs.

In December 1993, the California Fish and Game Commission adopted a new policy for wild pigs in California. The policy states: "The wild pig population of the state must be controlled to minimize the threat of increasing damage to California's native plants and animals, to agricultural operations, and to park and recreational activities from the foraging habits of the animals. Consistent with state law and regulations, the Department will prepare and recommend to the Commission regulations which enhance recreational hunting and facilitate the issuing of depredation permits and/or other legally available means to alleviate this problem."

As mandated by current law (Fish and Game Code, Section 4651), the Department of Fish and Game prepared a Wild Pig Management Plan in 1995 (Waithman 1995). This strategic plan contains information related to the status and trend of wild pig populations, and describes management units established by the Department to address regional needs and opportunities. Updike and Waithman (1996) summarize the planning process and the contents of the plan. The highest priority action identified in the plan is alleviating damage of private property caused by wild pigs. One of the management actions prescribed by the plan involves amending current statutes to facilitate alleviating property damage.

BACKGROUND

The history of wild pigs in California dates back to the mid-1700s when they were introduced by European settlers as livestock. Historical journals indicate that domesticated pigs were allowed to forage in oak woodland areas to take advantage of acorn crops. As a result of

this practice, some pigs escaped and this created wild, free-ranging feral populations. Additional pigs escaped to the wild as California was explored and developed through the 1800s and early 1900s. In the early 1920s, European wild boars were imported into Monterey County by a landowner in Carmel Valley under a domesticated game breeder's permit. Some animals escaped and dispersed into central coastal areas where they bred with feral domestic pigs.

Wild pigs occurred in relatively low numbers in 10 to 15 counties until the mid-1960s. Since then, wild pig numbers have increased, and they have expanded their range, primarily in coastal counties from Humboldt to Santa Barbara. Recent surveys indicate that wild pigs occur in at least 47 counties (Figure 1).

Number of Counties with Wild Pigs 1957 - 1997

(from Tag Returns and Game Take Hunter Survey)

Figure 1. Number of counties occupied by wild pigs from 1957 to present.

The number and location of depredation permits issued by the Department of Fish and Game reflect the distribution of wild pigs (Figure 2).

In 1957, wild pigs were classified as game mammals by the California State Legislature. The intent was, in part, to recognize the valued status of the European wild boar for hunting purposes. However, wild pigs can be distinguished from other game mammals because: 1) pigs are not native to California; 2) they are very productive; 3) they can cause serious damage to property; and 4) they disrupt native plant and animal communities.

Relative Pig Density Depredation Permits

Figure 2. Relative density of wild pigs (map on left) and counties where depredation permits are issued (map on right).

In 1992, Sections 4650 through 4657 (Fish and Game Code) were amended to require hunters to possess wild pig license tags to hunt wild pigs. When a wild pig is taken, hunters are required to place a portion of the tag on the wild pig carcass and complete and return the report end portion of the tag to the Department.

The dual role of the wild pig as an exotic species and a game mammal presents a challenge to the Department. There is a great demand for recreational hunting, while wild pigs damage property and disrupt native plant and animal communities. A simple solution to the problem seems to be to let hunters take the wild pigs causing the damage.

Some public lands (e.g., parks) do not, or cannot allow hunting. Many private landowners do not want hunting on their property. They also may not want to follow all the required steps for using a depredation permit, especially actions to care for the carcass. In addition, there have been disagreements about whether the wild pig activity actually constitutes property damage. These and similar issues have been a major source of frustration for many landowners who have been invaded by depredating wild pigs.

NEW LAW

On January 1, 1998, a new law (SB329, McPherson) related to wild pigs became effective. This bill provides a variety of changes intended to help alleviate wild pig depredation and facilitate hunting were feasible. The major issues which the new law addresses are immediately taking the depredating pig and more liberal disposal of the carcass.

The new Section 4181.1(b), Fish and Game Code allows the immediate taking of a depredating wild pig by the owner of livestock, land or property, or the owner's agent or employee, or employee of any federal, state, county or city entity while acting officially. This change greatly expands the number of persons authorized to

immediately kill wild pigs which are encountered while in the act of damaging livestock or damaging, destroying, or threatening to immediately damage or destroy land or other property. Damage to livestock includes injury to, molesting, pursuing, worrying, or killing of livestock. Other property includes, but is not limited to, rare threatened or endangered native plants, wildlife or aquatic species. Section 4181.2 defines damage as loss or harm resulting from injury to person or property, and requires the Department of Fish and Game to develop statewide guidelines to aid in making determinations of damage caused by wild pigs. The guidelines shall consider various uses of the land impacted by the pigs.

The new law does not supercede any local ordinances or regulations related to the discharge of firearms. Consequently, some landowners within city limits or other areas with firearm restrictions may not receive much benefit from the changed statutes.

Section 4181.1(b) also provides for more liberal disposition of the carcass of depredating wild pigs which are immediately killed. Within the next working day, the person taking the wild pig is required to report the taking to the Department and make the carcass available to the Department. Unless otherwise directed by the Department, the person who takes the wild pig may keep and use the carcass, or it can be possessed by a designated person in an arrangement for transfer. If an "arrangement for transfer" of the carcass is made by the person taking the depredating wild pig, the person who made the arrangement is deemed in compliance with the wanton waste statute (Section 4304, Fish and Game Code). This means that landowner concerns about carcass disposal are greatly alleviated. One enforcement difficulty for the Department is defining an "arrangement for transfer." The arrangement could be a simple verbal agreement without written documentation. Consequently, wild pig carcasses could legally be transported from one place to another without being tagged.

The new law encourages the Department to include the use of licensed hunters to take depredating wild pigs by adding wording to the Wild Pig Management Plan. To further facilitate removal of depredating wild pigs by licensed hunters, the plan may investigate means to live trap depredating wild pigs and transport them to areas where they can be hunted. The Department has concerns about trapping and translocating wild pigs. One major issue is potential disease transmission between populations of wild pigs and between transported wild pigs and domestic swine. Another concern is potentially expanding the range of wild pigs into areas where they may cause damage. Finally, the Department does not have the personnel and equipment necessary to conduct the trapping and translocation projects. Guidelines for trapping and translocating depredating wild pigs would need to address all these issues for it to be a feasible alternative.

The law specifies that lists of license hunters may be made available to landowners who request a depredation permit. Some non-profit hunting organizations have volunteered for managing the list of hunters. Finally, the law encourages managing a list of non-profit organizations who would assist with the removal and disposition of carcasses. This list could be provided to

persons who request depredation permits. Agricultural Commissioners of some counties with depredating wild pigs have volunteered their assistance in accomplishing this task.

CONCLUSION

The new law authored by Senator McPherson makes several major changes in the way landowners in California can deal with damage caused by wild pigs. The definition of damage has significantly changed to include effects on other wildlife and aesthetics. The new law expands the list of persons authorized to take wild pigs immediately when they are damaging or threatening damage to private property. In these situations, a wild pig may be taken without a depredation permit or wild pig hunting license tag. This causes some enforcement problems for the

Department. The options for disposing of depredating wild pigs has expanded, and making an arrangement for transfer of the carcass is deemed compliance with wanton waste statutes. Additional emphasis is added to facilitate use of licensed hunters to remove depredating wild pigs, including trapping and translocating them to areas where they can be hunted. The Department is concerned about translocations causing an expansion of the range of this exotic species and implications to the spread of disease.

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