

Regulatory Language

Amend Division 1, Subdivision 2, to read as follows:

Subdivision 2. ~~Game and Furbearers~~, Furbearers, Nongame, and Depredators

Section 250.1, Title 14, CCR, will be added as follows:

Section 250.1. General Prohibition Against The Use of Lead Ammunition For the Take of Wildlife.

- (a) Purpose. This regulation is intended to phase in the requirements of Fish and Game Code Section 3004.5, which prohibits for all purposes, the use of any lead ammunition when taking any wildlife with a firearm after July 1, 2019.
- (b) General provisions
 - (1) Nonlead ammunition is defined as any centerfire, shotgun, muzzleloading, or rimfire ammunition using projectiles certified pursuant to subsection (e).
 - (2) Projectile is defined as any bullet, ball, sabot, slug, buckshot, shot, pellet or other device which is expelled from a firearm through a barrel by force.
 - (3) Except as otherwise provided, it is unlawful to possess any projectile containing lead in excess of the amount permitted in subsection (e)(1) and a firearm capable of firing the projectile while taking or attempting to take wildlife. The possession of a projectile containing lead in excess of the amount allowed in subsection (e)(1) without possessing a firearm capable of firing the projectile is not a violation of this section.
- (c) Phased approach to reduce use of lead ammunition for the take of wildlife.
 - (1) Effective July 1, 2015, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile that is not certified as nonlead when taking:
 - (A) Nelson bighorn sheep as defined by Fish and Game Code Section 4902, or
 - (B) Any wildlife in any wildlife area or ecological preserve, as described in sections 551, 552 and 630 of these regulations.
 - (2) Effective July 1, 2016, it shall be unlawful to use, or possess with any shotgun capable of firing, any projectile that is not certified as nonlead when taking:
 - (A) Upland game birds except for dove, quail, snipe, and pigeon as defined by Fish and Game Code Section 3683,
 - (B) Fur-bearing mammals as defined by Fish and Game Section 4000,
 - (C) Non-game mammals as defined by Fish and Game Code Section 4150,
 - (D) Non-game birds as defined by Fish and Game Code Section 3800, or
 - (E) Any wildlife for depredation purposes, regardless of whether the take is authorized by a permit issued pursuant to sections 401 or 402 of these regulations.
 - (3) Effective July 1, 2019, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile that is not certified as nonlead when taking any wildlife for any purpose in the State of California.
- (d) Condor Zone.

Comment [EL1]: Seems like this needs to be reconciled with the use of "non toxic" as in waterfowl regs with nonlead so everyone understands

(1) Methods of take. It is unlawful to use, or possess with any firearm capable of firing, any projectile that is not certified as nonlead when taking or attempting to take any big game with any rifle or pistol, and when taking any coyote in the area defined as the "California condor range" in subdivision (a) of Fish and Game Code Section 3004.5.

(e) Ammunition Certification Process.

(1) To qualify as nonlead, a projectile shall contain no more than one percent lead by weight. Any person or manufacturer of ammunition or projectiles wishing to have their ammunition or projectiles certified as nonlead shall submit the information identified in subsections (2)(A)-(E) to the California Department of Fish and Wildlife, Wildlife Branch, Sacramento. The department shall accept or reject the request within 60 days of receipt. The ammunition or projectiles whose request has been accepted will be added to the list entitled "Certified nonlead ammunition and projectiles" maintained by the department. This list shall include any federally approved nontoxic shotgun ammunition.

(2) Information required for consideration of certification:

- (A) Name of manufacturer of ammunition or projectile, address, and contact information,
- (B) For ammunition certifications, information shall specify as to caliber, cartridge designation, and projectile. Projectile specifications shall include unique identifying characteristics and percent content of lead by weight,
- (C) For projectile certifications, information shall specify as to unique identifying characteristics and percent content of lead by weight,
- (D) Signed statement verifying that all information provided is accurate, and
- (E) Digital color image of projectile or ammunition.

(3) The department shall determine, based on information supplied, if the projectile contains less than the percent lead content by weight as specified in subsection (e)(1).

(4) The department shall update the list of certified ammunition and projectiles no less than once annually and make it available to hunters.

(5) The department shall decertify and remove from the list any projectiles or ammunition if information is received that it does not meet the standards set forth in subsection (e)(1) within 60 days of receipt.

Note: Authority cited: Sections 200, 202, 203 and 3004.5, Fish and Game Code.
Reference: Sections 200, 202, 203, 203.1, 207, 2055 and 3004.5, Fish and Game Code.