

The Department of Fish and Wildlife (Department) held a series of 13 public meetings throughout the state between January and October 2014. In addition, the Department provided presentations at the Commission's Wildlife Resources Committee (WRC) meetings in January, July, and September 2014 outlining proposals to phase in the required use of nonlead ammunition for the taking of all wildlife with a firearm by July 2019.

The Department's revised regulatory recommendation, which includes three phases as shown below, was presented at the Commission's September 2014 WRC meeting.

Phase 1 - Starting July 1, 2015, nonlead ammunition will be required when taking Nelson bighorn sheep and all wildlife on state Wildlife Areas and Ecological Reserves.

Phase 2 - Starting July 1, 2016, nonlead ammunition will be required when taking upland game birds with a shotgun, except for dove, quail, snipe, and any game birds taken on licensed game bird clubs. In addition, nonlead ammunition will be required when using a shotgun to take resident small game mammals, furbearing mammals, nongame mammals, nongame birds, and any wildlife for depredation purposes. It will still be legal to take these animals with a rifle using traditional lead rimfire and lead centerfire ammunition.

Phase 3 - Starting July 1, 2019, nonlead ammunition will be required when taking any wildlife with a firearm.

The proposed regulatory changes are intended to implement AB 711 by balancing the statutory requirements and deadlines with the complex nature of ammunition production, retail availability, and consumer demand. The regulatory proposal accounts for the availability of nonlead rifle and shotgun ammunition during the first three years of the transition, and provides ammunition manufacturers more time to meet the increased demand for nonlead ammunition in California after July 1, 2019.

Current Regulations

The following regulations require the use of nonlead ammunition for all big-game and non-game hunting within the California condor range.

Subsection (h) of Section 353, Title 14, CCR (Methods Authorized for Taking Big Game) prohibits the use of projectiles containing lead when taking deer, elk, pronghorn antelope, wild pig, black bear, and Nelson bighorn sheep in an area designated as the California condor range.

Section 355, Title 14, CCR (Ammunition Authorized for Taking Big Game and Nongame Birds and Nongame Mammals in Condor Range) establishes the ammunition certification process for nonlead projectiles authorized for taking of big game mammals, nongame birds, and nongame mammals in the California condor range.

Subsection (f) of Section 475, Title 14, CCR (Methods of Take for Nongame Birds and Mammals) prohibits the use of lead projectiles when taking nongame birds and nongame mammals in the California condor range.

Proposed Changes

Amend Division 1, Subdivision 2, Title 14, CCR.

The title of the subdivision will be expanded to Game, Furbearers, Nongame, and Depredators.

Add Section 250.1, Title 14, CCR.

This new section will include the existing nonlead requirements that apply in the California condor range and new requirements to phase in the statewide nonlead mandate pursuant to section 3004.5 of the Fish and Game Code.

Subsection (a) describes the general purpose of the regulation in order to increase public understanding.

Subsection (b) defines “projectile,” “nonlead ammunition,” “nonlead projectiles,” and makes it clear that shotgun ammunition containing pellets composed of materials approved as nontoxic by the U.S. Fish and Wildlife Service, as identified in Section 507.1 of these regulations, is considered certified. These definitions are to increase public understanding and enhance the clarity of the regulation.

Subsection (c) includes general provisions to increase public understanding and compliance, and to enhance regulatory enforcement.

- (1) It is unlawful to possess any projectile containing lead in excess of the amount allowed in these regulations and a firearm capable of firing the projectile while taking or attempting to take wildlife.
- (2) The possession of a projectile containing lead in excess of the amount allowed in these regulations without possessing a firearm capable of firing the projectile is not a violation of this section.
- (3) This section is not intended to prohibit the possession of concealable firearms containing lead ammunition, provided that the firearm is possessed for personal protection and is not used to take

or assist in the take of wildlife.

Subsection (d) specifies the phased approach to prohibit the use of lead ammunition for the take of wildlife as required by the new amendments to Fish and Game Code Section 3004.5.

Phase 1 - Effective July 1, 2015, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile(s) not certified as nonlead when taking:

- (A) Nelson bighorn sheep as authorized by Fish and Game Code Section 4902; or
- (B) All wildlife in any wildlife area or ecological reserve, as described in sections 551, 552, and 630 of these regulations.

These Department lands constitute approximately 925,000 acres in California, with high ecological values and some of these areas are popular with hunters. In addition to hunters on Department lands, nonlead ammunition will be required for hunters taking Nelson bighorn sheep anywhere in California. This requirement will affect a small number of hunters as limited numbers of tags are issued annually. In 2014, fourteen tags were issued in California.

Phase 2 - Effective July 1, 2016, it shall be unlawful to use, or possess with any shotgun capable of firing, any projectile(s) not certified as nonlead as described in subsection (b)(3) when taking:

- (A) Upland game birds as included in Fish and Game Code Section 3683, except for dove, quail, snipe, and any game birds taken under the authority of a licensed game bird club as provided for in sections 600 and 600.4 of these regulations;
- (B) Resident small game mammals as defined in Section 257 of these regulations;
- (C) Fur-bearing mammals as defined by Fish and Game Code Section 4000;
- (D) Nongame mammals as defined by Fish and Game Code Section 4150;
- (E) Nongame birds as defined by Fish and Game Code Section 3800; or
- (F) 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.

These provisions will require partial implementation of the nonlead mandate due to the availability of nonlead shotgun ammunition as required by existing federal waterfowl regulations requiring use of nontoxic shot. The exception for permitted licensed game bird

clubs takes into account the use of domesticated game birds at these facilities.

Phase 3 - Effective July 1, 2019, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile(s) not certified as nonlead when taking any wildlife for any purpose in this state.

This addition and effective date are required by Section 3004.5 of the Fish and Game Code.

Subsection (e) continues the existing restrictions on the use of lead ammunition in the condor range, as required by subdivision (i) of Fish and Game Code section 3004.5. These restrictions are currently set forth in subsection (h) of Section 353 and subsection (f) of Section 475. This subsection will expire on July 1, 2019, when the statewide ban on the use of lead ammunition will go into effect. These revisions will align and simplify Title 14 regulations.

Subsection (f) contains the language specifying the nonlead ammunition certification process moved and updated from existing Section 355. This revision will align and simplify Title 14 regulations.

Amend Section 311, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 353, Title 14, CCR.

This section will be amended to remove subsection (h) since the definition of nonlead projectiles and methods of take within the condor range are integrated in subsections (d)(3) and (e) of the new Section 250.1, Title 14, CCR, with an added cross reference to the new section. Other proposed amendments will revise the current exceptions in subsection (a) into two subsections (definitions and exceptions) along with minor changes to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 464, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 465, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1

regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 475, Title 14, CCR.

This section will be amended to remove subsection (f) since the definition of nonlead projectiles and methods of take within the condor range are integrated in subsections (d)(3) and (e) of the new Section 250.1, Title 14, CCR, with an added cross reference to the new section. This revision will align and simplify Title 14 regulations.

Amend Section 485, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Repeal Section 355, Title 14, CCR.

This section is proposed to be repealed since the ammunition certification process is integrated in subsection (f) of the new Section 250.1, Title 14, CCR. This revision will align and simplify Title 14 regulations.

Benefits of the Proposed Regulations

The benefits of the proposed regulations to the environment are through the elimination of a source of toxic lead substances that may be deleterious to wildlife and sustainable management of California's wildlife resources.

The proposed regulations are neither inconsistent nor duplicative of existing State or federal regulations. The proposed regulation will complement federal law because, unlike federal regulations prohibiting use of nontoxic shot when taking waterfowl, the proposed regulations will prohibit use of lead ammunition when taking any wildlife. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the prohibition on the use of lead projectiles and ammunition for the take of wildlife with firearms.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 355, 356, 3003.1, 3004.5, 3800, 4009.5, and 4150, Fish and Game Code.

Reference: 200, 202, 203, 203.1, 206, 207, 215, 220, 355, 356, 2005, 2055, 3003.1, 3004.5, 3683, 3800, 3950, 4000, 4001, 4002, 4003, 4004, 4009.5, 4150, and 4902, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None

- (d) Identification of Reports or Documents Supporting Regulation Change:

Standardized Regulatory Impact Assessment

250.1 Initial Study and Environmental Checklist

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department conducted an extensive, pre-notice, public outreach effort between January and October of 2014. At the January 15, 2014, meeting of the Commission's Wildlife Resources Committee (WRC) in Van Nuys, the Department introduced a "starting point" proposal that outlined a potential four-year phase in of nonlead ammunition. The starting point proposal was based on the Department's understanding of the current availability of nonlead ammunition and became the focal point for a series of public meetings throughout the state, from Susanville to San Diego. In addition to public workshops, the Department also sought public input at international sporting goods shows and at meetings of the National Wild Turkey Federation in Vacaville, Ducks Unlimited in Corning, and the Director's Hunting Advisory Committee in Sacramento.

The Department presented an update of its outreach efforts as well as planned future efforts at the Commission's WRC meeting in Sacramento on July 28, 2014. At this meeting, the Commission received testimony by Dr. Vernon G. Thomas of the University of Guelph in Canada on behalf of Audubon California, Defenders of Wildlife, and the Humane Society of the United States on his survey of the current availability of nonlead ammunition in California.

The Department presented a public review draft of the proposed regulatory text at the Commission's WRC meeting in Sacramento on September 17, 2014. At this meeting, the Commission received testimony by Mr. Scott Scherbinski of Pinnacles National Park and Mr. Ben Smith of the Institute for Wildlife Studies on reducing the impact of lead ammunition in California. Testimony was also received from Mr. Rob Southwick of Southwick Associates on behalf of the National Shooting Sports Foundation on the potential effects of the ban on lead ammunition on hunting participation in California and associated economic measures.

In addition to public workshops and meetings, the Department also contacted representatives of the ammunition manufacturing and

distribution sectors for their input on the proposed phasing. A meeting with ammunition retailers was held at the Yolo Basin Wildlife Area on September 3, 2014. Letters requesting input from major ammunition manufacturers were sent on August 26, 2014, to Barnes Bullets, Inc., Federal Premium Ammunition, Hornady Manufacturing, Kent Cartridge, Magtech Ammunition Company, Inc., Nosler, Remington Arms Company, LLC, Weatherby, Inc., and Winchester Ammunition.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

As enacted, Fish and Game Code section 3004.5 requires full implementation of the statute's ban on the use of nonlead ammunition by July 1, 2019. With nonlead ammunition required by July 1, 2019, for the taking of wildlife statewide, and with AB 711's mandate that the Commission implement, in advance of July 1, 2019, any of the statute's requirements that can be implemented practicably, the range of alternatives to the proposed project is limited. With that in mind, alternative approaches to the phasing in of nonlead ammunition were developed based on evidence and input received during 16 pre-notice public outreach meetings as to phasing alternatives that may potentially be implemented practicably. Three alternatives to the proposed regulations are considered below:

Alternative 1. Early Implementation

Alternative 1 consists of full implementation of section 3004.5 by July 1, 2015. This early implementation of the requirement to use nonlead ammunition would result in the highest risk of impacts to recreational activities but would also immediately reduce lead introduced to the environment through hunting activities. Ingestion of lead fragments or pellets in carcasses and gut piles by scavenging wildlife should be reduced or eliminated with associated reductions in blood lead levels and potential lead poisoning in predatory and scavenging birds (Kelly et al. 2011). While this alternative may provide near term benefits to wildlife as compared to the other alternatives, it may not be practicable based on the current availability of nonlead rifle and shotgun ammunition. Ammunition in general is in short supply both in California and nationwide, leading to shortages and backorders for even traditional ammunition (Southwick Associates, 2014). Based on the limited capacity of manufacturers to immediately increase production, it is likely not practicable to meet the demand for nonlead ammunition in California as early as 2015. Because of its

potential for significant disruption in hunting-based recreation, this alternative has been rejected from further consideration for the purposes of the ISOR.

Alternative 2. Modified Implementation Phasing

This alternative would accomplish the transition to nonlead ammunition in two phases as opposed to the three outlined in the proposed project. Alternative 2 would advance the implementation process by combining phases 1 and 2 of the proposed project with an effective date of July 1, 2015. Full implementation would remain at July 1, 2019. Hunters on Department lands, bighorn sheep hunters, and hunters using a shotgun to take specified upland game birds, small game mammals, furbearing mammals, nongame mammals, nongame birds, and any wildlife for depredation purposes, would be required to use nonlead ammunition after July 1, 2015. Because nontoxic shot has been required for waterfowl hunting nationwide since 1991, nonlead shotshells in waterfowl sizes are thought to be widely available (Thomas, 2014). For this reason, it is potentially practicable to phase in take of wildlife with a shotgun using waterfowl-sized shot in 2015. Because of extremely limited supplies of nonlead .22 and .17 rimfire ammunition, small game and nongame species could still be taken with traditional lead ammunition until July 1, 2019. While it may be practicable to implement the transition in two phases, substantial uncertainty remains regarding the adequacy of supply to meet this increased demand in 2015. Given this uncertainty and the potential for disruption in hunting-based recreation, this alternative has been rejected from further consideration for the purposes of the ISOR.

Alternative 3. July 1, 2019 Implementation (No Project)

The third alternative, which is also the “No Project” alternative that will occur if the Commission takes no action, consists of allowing the statutory prohibition on lead ammunition to take effect as of July 1, 2019. The July 1, 2019, implementation would minimize the near term impacts on recreation as compared to the proposed project. This alternative would give ammunition manufacturers the maximum amount of time to increase production of nonlead ammunition in anticipation of the increased demand by California hunters after July 1, 2019. While this alternative would likely be less disruptive to hunting-based recreation in the near term, it does not meet the requirements of the statute to implement all or portions of the law in advance of July 1, 2019, if it is practicable to do so. For this reason, Alternative 3 has been dropped from further

consideration for the purposes of the ISOR.

(b) No Change Alternative:

The statutory mandate to promulgate regulations that phase in the use of nonlead ammunition by July 1, 2015, leaves the Commission with no discretion to consider the no change alternative.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The attached Initial Study has been prepared and an environmental document is under development for Commission consideration and certification.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Commission does not anticipate significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The principle businesses that are expected to be impacted by the proposed regulatory changes are manufacturers and retailers of hunting equipment and businesses that serve hunters on recreational hunting trips. The proposed implementation schedule is structured to limit expected impacts on hunters and hunting-related businesses that may be affected by the regulation. The availability of ammunition types is a central factor that influenced the timing of the phases so as to minimize any interruption in hunting activity caused by nonlead ammunition supply deficiencies.

(b) Impact on the Creation or Elimination of Jobs Within the State, the

Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any significant impacts on the creation or elimination of jobs within the State because the nonlead ban will be phased in to minimize any disruptions in hunting activity across four years. The multiplier for jobs in the hunting, ammunition manufacturing, and outdoor sports retail sectors is 17 jobs per million dollars in direct expenditure. Although we anticipate less disruption, if full implementation precipitates a five percent reduction in hunting activity, approximately 230 jobs could be eliminated across the state.

The Commission anticipates the potential for the expansion of businesses currently doing business in California that manufacture or sell nonlead ammunition. Hunting guides and/or shooting ranges that may aid in the acquisition of and/or the transition to the use of nonlead ammunition may also have the potential to expand.

The Commission anticipates benefits to the health and welfare of California residents through better management of toxic lead substances that may be deleterious to those who consume wild game.

The Commission does not anticipate any benefits to worker safety because this regulatory action will not impact working conditions or worker safety.

The Commission anticipates benefits to the environment through the elimination of a source of toxic lead substances that may be deleterious to wildlife.

(c) Cost Impacts on a Representative Private Person or Business:

A representative private person could spend an average of \$184 or expect to incur approximately a seven percent increase in annual hunting equipment expenditures in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Department has an estimated \$45,000 in regulation development and outreach costs in the year prior to promulgation of the regulation that will be absorbable in that year. The regulation has the potential to reduce

licenses and tags sales revenue for the Department. If full implementation precipitates a five percent decline in hunting activity, the Department license and tag sales revenue could be reduced by approximately \$1 million. However, past experience with restricting the use of lead ammunition in the condor range suggests that potential declines in license and tag sales will be less than five percent (for more detail on changes in tag sales within the condor range, please see pages 17-19 in the attached Standardized Regulatory Impact Assessment).

Any potential reduction in the number of licenses sold is not expected to significantly impact Federal Pittman-Robertson Funding allocations to the state. The impact of a potential decline in hunting activity of five percent is estimated to result in an approximately \$34,000 drop in the state's Pittman-Robertson allocation. The state may experience a decline, but it will be more a function of an anticipated drop in the total quantity of funds collected across the country.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs Mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None
- (h) Effect on Housing Costs: None

Informative Digest/Policy Statement Overview

Assembly Bill 711 (Chapter 742, Statutes of 2013) was signed by the Governor on October 11, 2013, and took effect on January 1, 2014. This legislative action amended Section 3004.5 of the Fish and Game Code, and requires the Fish and Game Commission (Commission) to promulgate regulations to ban the use of lead ammunition when taking any wildlife with a firearm by July 2019. The new law expands the existing lead ammunition ban within the California condor range and requires the Commission to:

- Promulgate regulations by July 1, 2015, that phase in the requirements of Section 3004.5;
- Require partial or full implementation of the new regulations, if practicable, before July 1, 2019; and
- Maintain existing condor range restrictions and nonlead certification process until the new regulations are implemented.

The Department of Fish and Wildlife (Department) held a series of 16 public meetings throughout the state between January and August 2014. In addition, the Department provided presentations at the Commission's Wildlife Resources Committee (WRC) meetings in January, July, and September 2014 outlining proposals to phase in the required use of nonlead ammunition for the taking all wildlife with a firearm by July 2019.

The Department's revised regulatory recommendation, shown below, was presented at the Commission's September 2014 WRC meeting.

Phase 1 - Starting July 1, 2015, nonlead ammunition will be required for taking all wildlife on state Wildlife Areas and Ecological Reserves. These Department lands constitute approximately 925,000 acres in California, with high ecological values and relatively large numbers of hunters. In addition to hunters on Department lands, nonlead ammunition will be required for hunters taking Nelson bighorn sheep anywhere in California. This requirement will affect a small number of hunters as very limited numbers of Nelson bighorn sheep tags are issued annually. In 2014, fourteen tags were issued in California.

Phase 2 - Starting July 1, 2016, nonlead ammunition will be required when taking upland game birds with a shotgun, except for dove, quail, and snipe, and any game birds taken on licensed game bird clubs. In addition, nonlead ammunition will be required when using a shotgun to take resident small game mammals, furbearing mammals, nongame mammals, nongame birds, and any wildlife for depredation purposes. It will still be legal to take these animals with traditional lead rimfire and lead centerfire ammunition during phase 2. These revisions will allow partial implementation as required due to availability of nonlead shotgun ammunition as required by existing federal waterfowl regulations. The exception

for permitted licensed game bird clubs takes into account the use of domesticated game birds at these facilities.

Phase 3 - Starting July 1, 2019, nonlead ammunition would be required when taking any wildlife with a firearm.

The proposed regulatory changes are intended to implement AB 711 while balancing the statutory requirements and deadlines with the complex nature of ammunition production, retail availability and consumer demand. The proposed regulations generally rely on more readily available nonlead rifle and shotgun ammunition during the first three years of the transition in order to give ammunition manufacturers more time to meet the increased demand for nonlead ammunition in California after July 1, 2019.

Proposed Changes

Amend Division 1, Subdivision 2, Title 14, CCR.

The title of the subdivision will be expanded to Game, Furbearers, Nongame, and Depredators.

Add Section 250.1, Title 14, CCR.

This new section will include the existing nonlead requirements that apply when taking specified wildlife in the California condor range and new requirements to phase in the statewide nonlead mandate pursuant to Section 3004.5 of the Fish and Game Code.

Subsection (a) describes the general purpose of the regulation.

Subsection (b) defines “projectile,” “nonlead ammunition,” “nonlead projectile,” and makes it clear that shotgun ammunition containing pellets composed of materials approved as nontoxic by the U.S. Fish and Wildlife Service, as identified in Section 507.1 of these regulations, is considered certified. These provisions increase public understanding and enhance the clarity of the regulation.

Subsection (c) includes general provisions.

- (1) It is unlawful to possess any projectile containing lead in excess of the amount allowed in these regulations and a firearm capable of firing the projectile while taking or attempting to take wildlife.
- (2) The possession of a projectile containing lead in excess of the amount allowed in these regulations without possessing a firearm capable of firing the projectile is not a violation of this section.
- (3) This section is not intended to prohibit the possession of concealable firearms containing lead ammunition, provided that the firearm is possessed for personal protection and is not used to take or assist in the take of wildlife.

Subsection (d) specifies the phased approach to prohibit the use of lead ammunition

when taking wildlife, as required by the amendments to Section 3005.5 of the Fish and Game Code.

Phase 1 - Effective July 1, 2015, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile(s) not certified as nonlead when taking:

- (A) Nelson bighorn sheep as authorized by Fish and Game Code Section 4902; or
- (B) All wildlife in any wildlife area or ecological reserve, as described in sections 551, 552 and 630 of these regulations.

Phase 2 - Effective July 1, 2016, it shall be unlawful to use, or possess with any shotgun capable of firing, any projectile(s) not certified as nonlead as described in subsection (b)(3) when taking:

- (A) Upland game birds as included in Fish and Game Code Section 3683, except for dove, quail, snipe, and any game birds taken under the authority of a licensed game bird club as provided for in sections 600 and 600.4 of these regulations;
- (B) Resident small game mammals as defined in Section 257 of these regulations;
- (C) Fur-bearing mammals as defined by Fish and Game Code Section 4000;
- (D) Nongame mammals as defined by Fish and Game Code Section 4150;
- (E) Nongame birds as defined by Fish and Game Code Section 3800; or
- (F) 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.

Phase 3 - Effective July 1, 2019, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile(s) not certified as nonlead when taking any wildlife for any purpose in this state.

Subsection (e) continues the existing restrictions on the use of lead ammunition in the condor range, as required by subdivision (i) of Fish and Game Code Section 3004.5. These restrictions are currently set forth in subsection (h) of Section 353 and subsection (f) of Section 475. This section will be repealed when the statewide ban on the use of lead ammunition when taking wildlife goes into effect on July 1, 2019.

Subsection (f) contains the language specifying the nonlead ammunition certification process moved and updated from existing Section 355.

Amend Section 311, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 353, Title 14, CCR.

This section will be amended to remove subsection (h) since the definition of nonlead projectiles and methods of take within the condor range are integrated in subsections (d)(3) and (e) of the new Section 250.1, Title 14, CCR, with an added cross reference to the new section. Other proposed amendments will revise the current exceptions in subsection (a) into two subsections (definitions and exceptions) along with minor changes to improve clarity and consistency of the regulations.

Amend Section 464, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 465, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 475, Title 14, CCR.

This section will be amended to remove subsection (f) since the definition of nonlead projectiles and methods of take within the condor range are integrated in subsections (d)(3) and (e) of the new Section 250.1, Title 14, CCR, with an added cross reference to the new section.

Amend Section 485, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Repeal Section 355, Title 14, CCR.

This section is proposed to be repealed since the ammunition certification process is integrated in subsection (f) of the new Section 250.1, Title 14, CCR.

Benefits of the Proposed Regulations

The benefits of the proposed regulations to the environment are through the elimination of a source of toxic lead substances that may be deleterious to wildlife and sustainable management of California's wildlife resources.

The proposed regulations are neither inconsistent nor duplicative of existing State or federal regulations. The proposed regulation will complement federal law because, unlike federal regulations prohibiting use of nontoxic shot when taking waterfowl, the proposed regulations will prohibit use of lead ammunition when taking any wildlife. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the prohibition on the use of lead projectiles and

ammunition for the take of wildlife with firearms.

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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. Prohibition on the Use of Lead Projectiles and Ammunition Using Lead Projectiles for the Take of Wildlife.

(a) Purpose. This regulation phases in the requirements of Fish and Game Code Section 3004.5, which prohibits the use of any lead projectiles or ammunition containing lead projectiles when taking any wildlife with a firearm on or after July 1, 2019.

(b) Definitions.

(1) A projectile is any bullet, ball, sabot, slug, buckshot, shot, pellet or other device that is expelled from a firearm through a barrel by force.

(2) Nonlead ammunition is any centerfire, shotgun, muzzleloading, or rimfire ammunition containing projectiles certified pursuant to subsection (b)(3) or subsection (f).

(3) Shotgun ammunition containing pellets composed of materials approved as nontoxic by the U.S. Fish and Wildlife Service, as identified in Section 507.1 of these regulations, is considered certified.

(4) A nonlead projectile shall contain no more than one percent lead by weight, as certified pursuant to subsection (b)(3) or subsection (f).

(c) General Provisions.

(1) Except as otherwise provided in this section, it is unlawful to possess any projectile containing lead in excess of the amount allowed in subsection (b)(4) and a firearm capable of firing the projectile while taking or attempting to take wildlife.

(2) The possession of a projectile containing lead in excess of the amount allowed in subsection (b)(4) without possessing a firearm capable of firing the projectile is not a violation of this section.

(3) Nothing in this section is intended to prohibit the possession of concealable firearms containing lead ammunition, provided that the firearm is possessed for personal protection and is not used to take or assist in the take of wildlife.

(d) Phased Approach to Prohibit the Use of Lead Ammunition for the Take of Wildlife. The use of lead projectiles is authorized until the effective dates described in subsections (d)(1), (d)(2), and (d)(3).

(1) Effective July 1, 2015, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile(s) not certified as nonlead when taking:

(A) Nelson bighorn sheep as authorized by Fish and Game Code Section 4902; or

(B) All wildlife in any wildlife area or ecological reserve, 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(s) not certified as nonlead as described in subsection

(b)(3) when taking:

(A) Upland game birds as included in Fish and Game Code Section 3683, except for dove, quail, snipe, and any game birds taken under the authority of a licensed game bird club as provided for in sections 600 and 600.4 of these regulations;

(B) Resident small game mammals as defined in Section 257 of these regulations;

(C) Fur-bearing mammals as defined by Fish and Game Code Section 4000;

(D) Nongame mammals as defined by Fish and Game Code Section 4150;

(E) Nongame birds as defined by Fish and Game Code Section 3800; or

(F) 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(s) not certified as nonlead when taking any wildlife for any purpose in this state.

(e) Condor Range. [This subsection shall be repealed effective July 1, 2019]

Methods of take. Notwithstanding subsection (c)(3), it is unlawful to use, or possess with any firearm capable of firing, any projectile or ammunition containing any projectile not certified as nonlead when taking or attempting to take any big game as defined in section 350, nongame birds, or nongame mammals, in the area defined as the "California condor range" in subsection (a) of Fish and Game Code Section 3004.5.

(f) Nonlead Projectile and Ammunition Certification Process.

(1) Any person or manufacturer requesting to have their projectile(s) or ammunition certified as nonlead shall submit the information identified in subsection (2) below to the Department of Fish and Wildlife's Wildlife Branch in Sacramento. The department shall certify or reject the request within 60 business days of receipt.

(2) Information required for consideration of certification:

(A) Name of manufacturer of projectile or ammunition, address, and contact information;

(B) For projectile certifications, information shall include the following: caliber, weight in grains, product trade name or marketing line (if established), product or catalog number (SKUs or UPCs are acceptable), composition, percent content of lead by weight, and detailed unique identifying characteristics;

(C) For ammunition certifications, information shall include the following: caliber, cartridge designation, weight in grains of the projectile, product trade name or marketing line (if established), product or catalog number (SKUs or UPCs are acceptable), composition of projectile, percent content of lead by weight of projectile, detailed unique identifying characteristics of the projectile, and any unique identifying characteristics of the cartridge;

(D) Signed statement verifying all information provided is accurate; and

(E) Digital color image of the projectile(s) or ammunition.

(3) The department shall determine, based on the information supplied, whether the projectile contains no more than one percent of lead by weight.

(4) The department shall update the list of certified projectiles and ammunition not less than once annually and make it available on the department's web site.

(5) The department shall decertify and remove from the list any projectile(s) or ammunition it determines does not meet the standards set forth in this section.

Note: Authority cited: Sections 200, 202, 203 and 3004.5, Fish and Game Code.
Reference: Sections 200, 202, 203, 203.1, 207, 2055, 3004.5, 3683, 3800, 4000, 4150,
and 4902, Fish and Game Code.

Section 311, Title 14, CCR, will be amended as follows:

§ 311. Methods Authorized for Taking Resident Small Game.

The take or attempted take of any resident small game with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1. Only the following may be used to take resident small game:

- (a) Shotguns 10 gauge or smaller using shot shells only and incapable of holding more than three shells in the magazine and chamber combined. If a plug is used to reduce the capacity of a magazine to fulfill the requirements of this section, the plug must be of one piece construction incapable of removal without disassembling the gun.
- (b) Shotgun shells may not be used or possessed that contain shot size larger than No. BB, except that shot size larger than No. 2 may not be used or possessed when taking wild turkey. All shot shall be loose in the shell.
- (c) Muzzle-loading shotguns.
- (d) Falconry.
- (e) Bow and arrow (see Section 354 for archery equipment regulations).
- (f) Air rifles powered by compressed air or gas and used with any caliber of pellet, except that wild turkey may only be taken with a pellet that is at least 0.177 caliber.
- (g) In addition to the methods listed in (a), (b), (c), (d), (e), and (f) above, firearm rifles and pistols may be used for taking rabbits and squirrels only; except in Los Angeles County where rifles and pistols may not be used.
- (h) In San Diego and Orange counties only, rabbits may be taken at any time during the open season by means of box traps. Such traps shall not exceed 24 inches in any dimension, shall be tended at least once every 24 hours, and shall show the name and address of the trap owner. All rabbits taken under this section shall be immediately killed and become a part of the daily bag limit.
- (i) Electronic or mechanically-operated calling or sound-reproducing devices are prohibited when attempting to take resident game birds.
- (j) Coursing dogs may be used to take rabbits.
- (k) Archers hunting during any archery season may not possess a firearm while in the field engaged in archery hunting during an archery season.
- (l) The use of live decoys is prohibited when attempting to take resident game birds.
- (m) Pistols and revolvers may be used to take sooty and ruffed grouse in those counties only and for the season described in Section 300(a)(1)(E).
- (n) Crossbows, except for provisions of Section 354(d) and (g).
- (o) Dogs may be used to take and retrieve resident small game.

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

Section 353, Title 14, CCR, will be amended as follows:

§ 353. Methods Authorized for Taking Big Game.

~~(a) Except for the provisions of subsections 353(b) through (h), Title 14, CCR, big game (as defined by Section 350, Title 14, CCR) may only be taken by rifles using centerfire cartridges with softnose or expanding projectiles; bow and arrow (see Section 354, Title 14, CCR, for archery equipment regulations); or wheellock, matchlock, flintlock or percussion type, including “in-line” muzzleloading rifles using black powder or equivalent black powder substitute, including pellets, with a single projectile loaded from the muzzle and at least .40 caliber in designation. For purposes of Section 353, a “projectile” is defined as any bullet, ball, sabot, slug, buckshot or other device which is expelled from a firearm through a barrel by force.~~

(a) The take or attempted take of any big game (as defined by Section 350 of these regulations) with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1 of these regulations.

(b) Definition. For purposes of this section, a projectile is any bullet, ball, sabot, slug, buckshot or other device which is expelled from a firearm through a barrel by force.

(c) Except for the provisions of the following subsections (d) through (j), big game may only be taken by rifles using centerfire cartridges with softnose or expanding projectiles; bow and arrow (see Section 354 of these regulations for archery equipment regulations); or wheellock, matchlock, flintlock or percussion type, including “in-line” muzzleloading rifles using black powder or equivalent black powder substitute, including pellets, with a single projectile loaded from the muzzle and at least .40 caliber in designation.

~~(b)(d)~~ Shotguns capable of holding not more than three shells firing single slugs may be used for the taking of deer, bear and wild pigs. In areas where the discharge of rifles or shotguns with slugs is prohibited by county ordinance, shotguns capable of holding not more than three shells firing size 0 or 00 buckshot may be used for the taking of deer only.

~~(e)(e)~~ Pistols and revolvers using centerfire cartridges with softnose or expanding projectiles may be used to take deer, bear, and wild pigs.

~~(d)(f)~~ Pistols and revolvers with minimum barrel lengths of 4 inches, using centerfire cartridges with softnose or expanding projectiles may be used to take elk and bighorn sheep.

~~(e)(g)~~ Except as provided in subsection 354(j) of these regulations, crossbows may be used to take deer and wild pigs only during the regular seasons.

~~(f)(h)~~ Under the provisions of a muzzleloading rifle only tag, hunters may only possess muzzleloading rifles as described in subsection 353(a)(c) equipped with open or “peep” type sights only except as described in subsection 353(k)(l).

~~(g)(i)~~ Under the provisions of a muzzleloading rifle/archery tag, hunters may only possess muzzleloading rifles with sights as described in subsection 353(f)(h); archery equipment as described in Section 354 of these regulations; or both. For purposes of this subsection, archery equipment does not include crossbows, except as provided in subsection 354(j) of these regulations.

~~(h) Methods of take within the California condor range. Except as otherwise provided, it is unlawful to use or possess projectiles containing more than one percent lead by~~

weight while taking or attempting to take any big game (as defined in Section 350, Title 14, CCR) in those areas described in Section 3004.5, Fish and Game Code.

~~(1) Except as otherwise provided, it is unlawful to possess any projectile containing lead in excess of the amount permitted in subsection 353(h) and a firearm capable of firing the projectile while taking or attempting to take any big game within the area described in subsection 353(h). The possession of a projectile containing lead in excess of the amount allowed in subsection 353(h) without possessing a firearm capable of firing the projectile is not a violation of this section.~~

~~(j)(i)~~ Except as otherwise provided, while taking or attempting to take big game under the provisions of ~~Section 353~~ this section or Section 354, Title 14, CCR of these regulations, it is unlawful to use any device or devices which: 1) throw, cast or project an artificial light or electronically alter or intensify a light source for the purpose of visibly enhancing an animal; or 2) throw, cast or project an artificial light or electronically alter or intensify a light source for the purpose of providing a visible point of aim directly on an animal. Devices commonly referred to as “sniperscopes”, night vision scopes or binoculars, or those utilizing infra-red, heat sensing or other non-visible spectrum light technology used for the purpose of visibly enhancing an animal or providing a visible point of aim directly on an animal are prohibited and may not be possessed while taking or attempting to take big game. Devices commonly referred to as laser rangefinders, “red-dot” scopes with self-illuminating reticles, and fiberoptic sights with self-illuminating sight or pins which do not throw, cast or project a visible light onto an animal are permitted.

~~(j)(k)~~ Unless provided in these regulations or any other law, it is unlawful to possess a loaded muzzleloading firearm in any vehicle or conveyance or its attachments which is standing on or along or is being driven on or along any public road or highway or other way open to the public.

For the purposes of this section, a muzzleloading firearm shall be deemed to be loaded when it is capped or primed or has an electronic or other ignition device attached and has a powder charge and projectile or shot in the barrel or cylinder.

~~(k)(l)~~ Upon application to the department, the department may issue a Disabled Muzzleloader Scope Permit, free of any charge or fee, to any person with a physical disability, as defined in ~~353(l)~~ subsection (m), which prevents him/her from being able to focus on the target utilizing muzzleloading rifles equipped with open or “peep” sights. The Disabled Muzzleloader Scope Permit authorizes the disabled hunter to use a 1X scope on a muzzleloading rifle, as described in subsection ~~353(f)~~ (h), with a muzzleloading rifle only tag.

(1) Applications for a Disabled Muzzleloader Scope Permit as specified in Section 702 of these regulations shall be submitted to the department at the address specified on the application and shall include:

- (A) Applicant's name
- (B) Applicant's physical address
- (C) Applicant's date of birth
- (D) Applicant's Driver's License or DMV Number
- (E) Applicant's telephone number
- (F) Applicant's signature

- (G) Medical Physician's or Optometrist's name
- (H) Medical Physician's or Optometrist's business address
- (I) Medical Physician's or Optometrist's business telephone number
- (J) Medical Physician's State medical license number or Optometrist's State license number
- (K) A description of the visual disability requiring this permit
- (L) Medical Physician's or Optometrist's signature
- (M) Signature of the authorizing department employee and date issued
- (2) The applicant must have a valid hunting license for the year for which he/she is applying.
- (3) Proof of meeting eligibility requirements may be met by providing a previously issued Disabled Muzzleloader Scope Permit.
- (4) The valid Disabled Muzzleloader Scope Permit shall be in the hunter's immediate possession while hunting and shall be shown on demand to any person authorized to enforce this regulation.
- (5) The Disabled Muzzleloader Scope Permit is valid from July 1 through June 30 of the following year or if issued after July 1 of the license year, it is valid beginning on the date issued through to the following June 30
- ~~(h)~~(m) For the purposes of this section a visual disability means a permanent loss, significant limitation, or diagnosed disease or disorder, which substantially impairs the vision of a hunter, preventing the hunter from viewing and aligning the sights of a muzzleloading rifle with the target in order to hunt deer.

Note: Authority cited: Sections 200, 202 and 203, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 2005, 2055, 3004.5 and 3950, Fish and Game Code.

Repeal Section 355, Title 14, CCR:

§ 355. Ammunition Authorized for Taking Big Game and Nongame Birds and Nongame Mammals in Condor Range.
~~In addition to those conditions provided for in sections 353 and 475, only centerfire rifle, centerfire pistol, muzzleloading, shotgun slug, and rimfire ammunition using projectiles certified pursuant to this section as containing no lead (as defined by subsection 353(h)) shall be used for the taking of big game and nongame birds and nongame mammals in condor range (see subsection 353(h)).~~
~~(a) Ammunition Certification Process. Any person or manufacturer of ammunition or projectiles wishing to have their ammunition or projectiles certified for hunting big game or nongame birds and nongame mammals in condor range shall submit the information identified in subsections (b)(1)-(5) to the California Department of Fish and Game, Wildlife Programs 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 ammunition and projectiles for hunting big game and nongame birds and nongame mammals in condor range" maintained by the Department.~~

~~(b) Information required for consideration of certification:~~

~~(1) Name of Manufacturer of ammunition or projectile, address, and contact information.~~

~~(2) 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.~~

~~(3) For projectile certifications, information shall specify as to unique identifying characteristics and percent content of lead by weight.~~

~~(4) Signed statement verifying that all information provided is accurate.~~

~~(5) Digital color image of projectile or ammunition.~~

~~(c) The Department shall determine, based on information supplied, if the projectile contains less than the percent lead content by weight as defined in 353(h).~~

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

~~(e) 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 (b) 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.

Section 464, Title 14, CCR, will be amended as follows:

§ 464. Raccoon.

(a) Seasons and Areas:

(1) Raccoon may be taken from July 1 through March 31 in the following area: All of Imperial County and those portions of Riverside and San Bernardino counties lying south and east of the following line: Beginning at the intersection of Highway 86 with the north boundary of Imperial County; north along Highway 86 to the intersection with Interstate 10; east along Interstate 10 to its intersection with the Cottonwood Springs Road in Section 9, T6S, R11E, S.B.B.M.; north along the Cottonwood Springs Road and the Mecca Dale Road to Amboy; east along Highway 66 to the intersection with Highway 95; north along Highway 95 to the California-Nevada state line.

(2) November 16 through March 31 in the balance of the state.

(b) Bag and Possession Limit: No limit.

(c) Method of Take:

(1) When taking raccoon after dark, pistols and rifles not larger than .22 caliber rimfire and shotguns using shot no larger than No. BB are the only firearms which may be used during this night period. (This regulation supersedes Sections 4001 and 4002 of the Fish and Game Code.) (See Sections 264 and 264.5 for light regulations.)

(2) The take or attempted take of any raccoon with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1.

(d) Dogs may be permitted to pursue raccoons in the course of breaking, training or practicing dogs in accordance with the provisions of Section 265 of these regulations.

Note: Authority cited: Sections 200, 202, 203 and 4009.5, Fish and Game Code. Reference: Sections ~~200-203.1, 200, 202, 203, 203.1, 206, 207, 211-222, 4000-4004~~215, 220, 3004.5, 4000, 4001, 4002, 4003, 4004, and 4009.5, Fish and Game Code.

Section 465, Title 14, CCR, will be amended as follows:

§ 465. Methods for Taking Furbearers.

Furbearing mammals may be taken only with a firearm, bow and arrow, or with the use of dogs, or traps in accordance with the provisions of Section 465.5 of these regulations and Section 3003.1 of the Fish and Game Code. The take or attempted take of any furbearing mammal with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1.

Note: Authority cited: Sections 200, 202, 203, 3003.1 and 4009.5, Fish and Game Code. Reference: Sections ~~200-203.1, 200, 202, 203, 203.1, 206, 207, 211-221, 215, 220, 3003.1, ~~4000-4004~~3004.5, 4000, 4001, 4002, 4003, 4004, and 4009.5, Fish and Game Code.~~

Section 475, Title 14, CCR, will be added as follows:

§ 475. Methods of Take for Nongame Birds and Nongame Mammals.

Nongame birds and nongame mammals may be taken in any manner except as follows:

- (a) Poison may not be used.
- (b) Recorded or electrically amplified bird or mammal calls or sounds or recorded or electrically amplified imitations of bird or mammal calls or sounds may not be used to take any nongame bird or nongame mammal except coyotes, bobcats, American crows and starlings.
- (c) Fallow deer, sambar deer, axis deer, sika deer, aoudad, mouflon, tahr and feral goats may be taken only with the equipment and ammunition specified in Section 353 of these regulations.
- (d) Traps may be used to take nongame birds and nongame mammal only in accordance with the provisions of Section 465.5 of these regulations and sections 3003.1 and 4004 of the Fish and Game Code.
- (e) No feed, bait or other material capable of attracting a nongame mammal may be placed or used in conjunction with dogs for the purpose of taking any nongame mammals. Nothing in this section shall prohibit an individual operating in accordance with the provisions of Section 465.5 from using a dog to follow a trap drag and taking the nongame mammal caught in that trap.
- ~~(f) Methods of take within the California condor range. Except as otherwise provided, it is unlawful to use or possess projectiles containing more than one percent lead by weight while taking or attempting to take any nongame birds or nongame mammals in those areas described in Section 3004.5, Fish and Game Code.~~

(1) For purposes of Section 475, a "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.

~~(2) Except as otherwise provided, it is unlawful to possess any projectile containing lead in excess of the amount permitted in subsection 475(f) and a firearm capable of firing the projectile while taking or attempting to take any nongame bird or nongame mammal within the area described in subsection 475(f). The possession of a projectile containing lead in excess of the amount allowed in subsection 475(f) without possessing a firearm capable of firing the projectile is not a violation of this section.~~

(f) The take or attempted take of any nongame bird or nongame mammal with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1 of these regulations.

Note: Authority cited: Sections 200, 202, 203, 355, 3003.1, 3800 and 4150, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 355, 356, 2055, 3003.1, 3004.5, 3800 and 4150, Fish and Game Code.

Section 485, Title 14, CCR, will be amended as follows:

§ 485. American Crow.

(a) Shotgun, Falconry, and Archery Seasons, and Bag and Possession Limits.

(1) Seasons

(2) Daily Bag and Possession Limits

Season: The first Saturday in December and extending for 124 consecutive days

Bag Limit:
24 crows per day
Possession Limit:
double the daily bag limit

(3) Area: Statewide: see closure area (d) below

(b) Crows may only be taken by shotguns 10 gauge or smaller using shot shells only and incapable of holding more than three shells in the magazine and chamber combined, bow and arrow, and falconry. The take or attempted take of any crows with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1. Crows may not be hunted from aircraft.

(c) No person shall kill or cripple a crow pursuant to this section without making a reasonable effort to retrieve the bird, and retain it in their actual custody at the place where taken or between that place and either: (1) their automobile or principal means of land transportation; or (2) their personal abode or temporary or transient place of lodging; or (3) a migratory bird preservation facility; or (4) a post office; or (5) a common carrier facility.

(d) Crows may not be taken in the following areas:

(1) Within the boundaries of the Trinity and Mendocino National Forests south of Highway 36.

(2) North and east of a line beginning at the mouth of the Eel River; south along the Eel River to the town of Alton; east on Highway 36 from the town of Alton to Highway 89

west of Chester; south and east on Highways 89 and 395 to Interstate 15 near Hesperia; south on Interstate 15 to Interstate 10; and east on Interstate 10 to the California-Arizona border.

(e) See Section 472(d) for the take of American crows causing depredation.

Note: Authority cited: Sections 355, 356 and 3800, Fish and Game Code. Reference: Sections 355, 356, 3004.5, and 3800, Fish and Game Code.

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