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**California Department of Fish and Wildlife
Proposed Regulatory Language for Phase-in of AB 711 (Non-lead Ammunition)
Distributed September 17, 2014**

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 (c)(2) or subsection (f).

(3) A nonlead projectile shall contain no more than one percent lead by weight, as certified pursuant to subsection (c)(2) 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)(3) 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 (b)(3) without possessing a firearm capable of firing the projectile is not a violation of this section.

(2) 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.

(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.

(1) Effective July 1, 2015, except as provided in subsection (c), 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, except as provided in subsection (c), 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 (c)(2) when taking:

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- (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 600-600.4 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, except as provided in subsection (c), 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 Zone. [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.