

§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.

(b) 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.

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

(d) 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) Except as provided in subsection 354(j), crossbows may be used to take deer and wild pigs only during the regular seasons.

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

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

(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.

(i) Except as otherwise provided, while taking or attempting to take big game under the provisions of Section 353 or Section 354, Title 14, CCR, 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 a 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 a 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) 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) 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), 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), with a muzzleloading rifle only tag.

(1) Applications for a Disabled Muzzleloader Scope Permit, 2009/2010 Disabled Muzzleloader Scope Permit Application, (Form FG 539 (Rev. 6/09)) 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 valid hunting license number
 - (F) Applicant's telephone number
 - (G) Applicant's signature
 - (H) Medical Physician's or Optometrist's name
 - (I) Medical Physician's or Optometrist's business address
 - (J) Medical Physician's or Optometrist's business telephone number
 - (K) Medical Physician's State medical license number or Optometrist's State license number
 - (L) A description of the visual disability requiring this permit
 - (M) Medical Physician's or Optometrist's signature
 - (N) Signature of the authorizing department employee and date issued
- (2) Proof of meeting eligibility requirements may be met by providing a previously issued Disabled Muzzleloader Scope Permit.

(3) 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.

(4) The Disabled Muzzleloader Scope Permit is valid from July 1 through June 30 of the following year.

(l) 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.