

There are no reasonable alternatives given the use of nonlead ammunition to take wildlife is required under § 3004.5, Fish and Game Code. § 3004.5 (d)(1) defines the coupon program authorized; §3004.5 (d)(2) requires the nonlead coupon program to be implemented using local, federal, public, or other nonstate sources.

Any specific to the funding source must be detailed through the Department's public solicitation process rather than in the regulation, which provides flexibility should different funding sources be identified during program implementation. The text of the regulation does not specify the fund match requirement because the match may vary depending on the source of the funding used. In this case, the ISR identified a potential source of funding as the federal Wildlife Restoration Program, which requires a 25% match.

(b) No Change Alternative:

The statutory mandate to promulgate regulations is set forth in Fish and Game Code Section 3004.5(d)(1): "To the extent that funding is available, the commission shall establish a process that will provide hunters with nonlead ammunition at no or reduced charge." Since the Department has identified non-state funding that could be available to meet the statutory mandate, the no change option is inconsistent with the statutory mandate.

(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.

IX. 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.

There are no businesses that are expected to be impacted by the proposed regulatory changes because the regulation only proposes a process that may

or may not be implemented depending on the Department's ability to successfully issue a grant for the coupon program.

If the nonlead coupon program is successful, the economic impact to the state is anticipated to be insignificant and would not adversely affect California businesses or their ability to compete with businesses in other states.

- (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 as a result of this regulatory change or a resultant coupon program for nonlead ammunition. The program will not affect the availability or cost of nonlead ammunition in California, but will help offset the increased cost of nonlead ammunition for hunters.

The Commission does not anticipate benefits to the health and welfare of California residents because this regulatory action will not impact the health and welfare of California residents.

The Commission does not anticipate benefits to worker safety because this regulatory action does not address worker safety.

The Commission anticipates benefits to the environment because implementation would likely increase the use of nonlead ammunition by hunters, resulting in less lead being released into the environment.

- (c) Cost Impacts on Representative Private Persons/Business:

The Commission anticipates reduced costs for nonlead ammunition for eligible private persons upon the coupon program implementation. Businesses and private persons, not involved in hunting, will not be impacted by any direct cost. In the event that a number of hunting trips are supported by the coupon program, private persons and businesses may experience positive indirect cost impacts through sustained hunter spending.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

- (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:

None

(h) Effect on Housing Costs: None

Updated Informative Digest (Policy Statement Overview)

Assembly Bill 711 (Chapter 742, Statutes of 2013) amended Section 3004.5 of the Fish and Game Code and required the Fish and Game Commission (Commission) to promulgate regulations requiring the use of nonlead ammunition when taking all wildlife with a firearm not later than July, 2019. On April 9, 2015, the Commission adopted new regulations in Section 250.1, Title 14, CCR, to phase-in the statutory requirement for nonlead ammunition by July, 2019. If non-state funding is available, Fish and Game Code sections 3004.5(d)(1) and (d)(2) require the Commission to establish a process that will provide hunters with nonlead ammunition at no or reduced charge.

The Department of Fish and Wildlife (Department) has identified a potential non-state source of funding as the U.S. Fish and Wildlife Service's Wildlife and Sport Fish Restoration program, Wildlife Restoration Account, commonly referred to as the Pittman-Robertson (PR) fund. The PR fund is an appropriate source of funding for this program because the funding for it is based on federal excise fees levied against the purchase of ammunition and firearms. Hunters have been supporting a significant portion of the PR funds available for wildlife conservation since 1937.

To be able to apply for and ultimately grant the PR funds, the Department needs an established process in regulations adopted by the Commission. This regulatory proposal would establish a new Section 250.2 in Title 14, CCR, for the Commission process to implement a nonlead ammunition coupon program administered by the Department.

Fish and Game Code § 3004.5 (d)(1) defines the coupon program authorized; §3004.5 (d)(2) requires the nonlead coupon program to be implemented using local, federal, public, or other nonstate sources. Any specific to the funding source must be detailed through the Department's public solicitation process rather than in the regulation, which provides flexibility should different funding sources be identified during program implementation. The text of the regulation does not specify the fund match requirement because the match may vary depending on the source of the funding used. In this case, the ISR identified a potential source of funding as the federal Wildlife Restoration Program, which requires a 25% match.

Proposed Changes

- The Commission will establish a process by which the Department implements a nonlead ammunition coupon program to provide nonlead ammunition with no or reduced cost to hunters using non-state funds as required by Fish and Game Code Section 3004.5.
- Eligible hunter is any hunter who meets all of the following requirements:
 - Is 18 years of age or older as of July 1 and holds a valid permit tag to hunt deer, elk, black bear, bighorn sheep, wild pig, pronghorn antelope, or upland game; and

- Is not prohibited from possessing ammunition pursuant to Penal Code section 30305.
- The program will be administered by an agent of the department and awarding of non-state funds will be administered as a grant. The department's agent will be selected through a public solicitation process.
- The coupon program will award nonlead ammunition to hunters through monthly random drawings of valid applicant names until all allocated funds for the program in the license year are exhausted. The number of applicants to draw and select each month shall be determined by the Department's agent, and announced on their website after the program is established and available funding is known.
- Hunters drawn for the coupon program will be able to select no more than one box of nonlead ammunition from a list of available and certified nonlead ammunition. A box of nonlead ammunition is 20 centerfire cartridges or 25 shotgun shells.
- The program may be offered and implemented for license year 2017-18, and for subsequent license years, provided funding is available as determined by the department.

Benefits of the proposed action:

The proposed action will provide an incentive for hunters to start using nonlead ammunition in advance of it being mandated by regulation in July 2019. This will result in less lead released into the environment from hunting. Additionally, the proposed action will slightly reduce the hardship on hunters having to switch to nonlead ammunition by providing it to successful applicants. Encouraging the use of nonlead ammunition may help sustain hunting activity levels, fees from which support wildlife conservation. While the proposed action will not satisfy all hunters who are opposed to the lead ammunition ban, it demonstrates the Commission and Department's commitment to work toward a practical and less disruptive implementation of the nonlead statute as recommended by the Governor in his signing message for this legislation.

Evaluation of incompatibility with existing regulations:

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the take of wildlife including methods. No other State agency has the authority to promulgate such regulations. The Commission has searched the CCR for any regulations regarding nonlead ammunition and has found no such regulation; therefore the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

The Commission has searched the Code of Federal Regulations and finds that the proposed regulation is neither inconsistent nor incompatible with existing federal regulations.

UPDATE

At its June 23, 2016, meeting in Bakersfield, the Fish and Game Commission adopted the regulations as described in the Notice of Proposed Action without any changes.

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.