

projectile types is confusing to hunters and difficult to interpret by law enforcement. Furthermore, frangible bullets designed primarily for security or tactical purposes are not an efficient and effective means to take big game.

The commonly accepted industry standard for centerfire cartridges (recommended by most major bullet/ammunition manufacturers for the take of big game animals) is a softnose or expanding type bullet that upon impact or while passing through animal tissue: 1) increases in diameter (mushrooms) from its original diameter; and 2) maintains close to its original manufactured weight. Bullets designed to demonstrate these terminal performance characteristics are considered the most effective in obtaining the quickest, most efficient humane kills. Further, softnose or expanding bullets are thought to provide the best combination of deep penetration through various tissue types including bone, and expansion (mushrooming) which results in the greatest damage to vital organs through direct trauma to tissues and surrounding areas, and to circulatory and central nervous systems through hydrostatic and hydraulic forces.

Frangible bullets are typically manufactured by fusing or binding a powdered metal component composed of copper or copper-tin in jacketed or unjacketed formats. Frangible bullets are designed to disintegrate or fragment upon impact with a hard surface, with the intent to reduce or eliminate ricochet and pass through conditions which can result in impact to secondary or unintended targets under non-hunting uses. In hunting applications this would result in a decrease in penetration due to the loss of momentum through extreme fragmentation.

The terminal performance characteristics of the more traditional softnose or expanding bullets differ substantially from those of frangible bullets. While the intended design of softnose/expanding bullets is to maintain a bullet's integrity in order to obtain maximum penetration and tissue destruction, the opposite is true regarding frangible bullets designed to disintegrate or break into a number of bullet fragments resulting in reduced penetration.

The proposed regulation changes are as follows:

- 1) Add clause to subsection 353(a) specifically making it unlawful to use methods of take or projectiles for big game other than what is authorized in Sections 250.1 and 353;
- 2) Add a new subsection 353(b)(1) defining the term "softnose or expanding projectile" based upon design and common accepted terminology of mushrooming, bullet diameter increase, and bullet weight retention; and
- 3) Add a new subsection 353(b)(2) to clarify that "frangible" bullets are not softnose or expanding projectiles and therefore not legal for the take of big game in accordance with subsection 353(c).

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

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

(c) Specific Technology or Equipment Required by Regulatory Change: None

(d) Identification of Reports or Documents Supporting Regulation Change: None

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

The Department's regulation change concepts for the 2016-17 big game hunting seasons were presented and discussed at the Fish and Game Commission Wildlife Resources Committee meeting held in Fresno on September 9, 2015.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternative was identified.

(b) No Change Alternative:

The "No Change Alternative" was considered and found inadequate to attain the project objectives. Retaining the current terminology without clear, concise definitions results in confusion on the part of hunters and creates a legal obstacle to enforcement of existing method of take restrictions.

(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.

(d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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 proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adds definitions to method of take regulations for big game in order to clarify regulations for law enforcement and legal applications, and eliminate possible confusion on the part of hunters. The proposal is economically neutral to business.

- (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 anticipates benefits to the health and welfare of California residents and to the state's environment. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources and the action contributes to the sustainable management of natural resources.

The proposed action will not have significant impacts on jobs or business within California and does not provide benefits to worker safety.

- (c) Cost Impacts on Private Persons.

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

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

- (e) Other 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

VII. Economic Impact Assessment

The purpose of the proposed amendments is to specifically require compliance with sections 353 and 250.1 when taking big game, and to clarify which cartridges may be used by defining “softnose or expanding projectile.” There are no costs to businesses or persons.

(a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because defining projectile types that are authorized for big game hunting is unlikely to change current levels of hunting activity.

(b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not create new businesses or eliminate businesses within the State because defining projectile types that are authorized for big game hunting is unlikely to change current levels of hunting activity.

(c) Effects of the regulation on the expansion of businesses currently doing business within the State:

The regulation will not affect the expansion of businesses currently doing business in the State because defining projectile types that are authorized for big game hunting is unlikely to change current levels of hunting activity.

(d) Benefits of the regulation to the health and welfare of California residents:

The Commission anticipates benefits to the health and welfare of California residents and benefits to the State’s environment because the proposed regulation assists the Department in the sustainable management of California’s big game populations.

(e) Benefits of the regulation to worker safety.

The proposed regulation will not affect worker safety.

(f) Benefits of the regulation to the State's environment:

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources. The proposed action does not impact the State’s environment.

INFORMATIVE DIGEST (Policy Statement Overview)

Amend Section 353, Title 14, California Code of Regulations (CCR), Methods Authorized for Taking Big Game. The purpose of the proposed amendments is to specifically require compliance with sections 353 and 250.1 when taking big game, and to clarify which cartridges may be used by defining “softnose or expanding projectile.”

The current regulations in Section 353, Title 14, CCR, provide method of take restrictions for big game using centerfire cartridges in rifles, pistols and revolvers. The projectiles used in these firearms are required to be “softnose or expanding.” However, these words are not defined in the regulation. While “softnose or expanding” is commonly accepted from the standpoint of bullet design and trade industry terminology, some have suggested that it could include frangible bullets. The lack of distinction between projectile types is confusing to hunters and difficult to interpret by law enforcement. Furthermore, frangible bullets are not an efficient and effective means to take big game.

The proposed regulation changes are as follows:

- 1) Add clause to subsection 353(a) specifically making it unlawful to use methods of take or projectiles for big game other than what is authorized in Sections 250.1 and 353;
- 2) Add a new subsection 353(b)(1) to define “softnose or expanding projectile” based upon design and common accepted terminology of mushrooming, bullet diameter increase and bullet weight retention; and
- 3) Add a new subsection 353(b)(2) to clarify that “frangible” bullets are not softnose or expanding projectiles.

Benefits of the regulations

The Commission anticipates benefits to the health and welfare of California residents and benefits to the State’s environment because the proposed regulation assists the Department in the sustainable management of California’s big game populations.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Consistency with State or Federal Regulations

The Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate the hunting of big game species in California. Commission staff has searched the California Code of Regulations and has found the proposed regulations are consistent with the hunting of big game species, specifically Sections 360, 362, 363, 364, 365 and 368 of Title 14. Therefore the Commission has determined that the proposed amendment is neither inconsistent nor incompatible with existing State regulations.

The proposed amendments are consistent with federal laws, which generally allow states to specify ammunition that is appropriate to be used for hunting purposes.