



Tracking Number: (_2021-007_)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Colin Gallagher

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:

~~The Fish and Game Commission's regulatory process is governed by the California Administrative Procedure Act (APA). APA is a series of acts of the California Legislature, first enacted June 15, 1945. Chapter 3.5 of the APA requires California State agencies to adopt regulations in accordance with its provisions.~~

~~The Commission is the proper entity to review and act upon proposed changes to Fish and Game regulations. The interpretations and changes requested in this case have first been sent to staff for review and were also sent as a timely public comment on the May 11, 2021 Wildlife Resources Committee agenda item 4(a) – Discuss Potential Regulatory Options for 2021-2022 Seasons for Mammal Hunting. My comments are now sent to the Commission as a request (petition) for interpretation and change to regulations, after first having asked the Wildlife Resources Committee to recommend my proposals to the full Commission.~~

Authority cited: Sections 200, 203 and 265, Fish and Game Code, and in context of the proposal, note in particular Sections 200(a), 203(d), and 265 of Fish and Game Code. (Reference: Sections 2005, 2055, 3004.5 and 3950, Fish and Game Code.)

Authority for Commission to enact changes to California Code of Regulations Title 14, Section 353 (for 14 CCR § 353 subsection (c), 14 CA ADC § 353 subsection (c))

3. Overview (Required) - Summarize the proposed changes to regulations:



There should be rendered by the Commission an interpretation of Mammal Hunting Regulations §353. Methods Authorized for Taking Big Game subsection (c) so that it will be considered to be legal to utilize a BB device for hunting wild pig in California, so long as the BB device is at least .40 caliber in designation, or larger.

My second request is that the Commission alter the .40 caliber minimum designation formally to .30 minimum (whether for rifle centerfire, muzzleloader, or BB device) in 353(c).

Alternatively, the Commission could make a change that would require .357 caliber minimum for BB devices to hunt wild boar (this would not alter any California lead free regulations), and clarify that hunting boar with centerfire cartridges with softnose or expanding projectiles of .30 caliber or greater in designation is permitted (lead free would still be required as the law currently requires if we are using centerfire rounds).

My third request is distinct than my first and second and should be evaluated separately. This request is for an actual change, not an interpretation. This request, for a change in Mammal Hunting Regulations, is simply to remove wild pig (feral pigs, European wild pigs, and their hybrids (genus *Sus*)) from Big Game as defined in the Mammal Hunting Regulations at §350. I request that the Commission agendaize this change for discussion then finalize the change.

See also previous legislation on the matter from 2017 - 2018 (AB 2805):

https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201720180AB2805

4. Rationale (Required) -

item 1 rationale.

Currently it is not legal to hunt boar with a BB device in California. However, it is legal to own BB devices in California, and is legal to hunt with them for some animals in California such as turkey. It is legal in many other States to hunt boar with what are called "big bore airguns," which would be as proposed by this comment, BB devices as defined in law by California, with the caveat that the interpretation would require that the caliber equivalent for BB devices to be used on wild boar be .40 caliber in designation or larger.

This would not circumvent any hunter safety requirement, hunter license, or tag requirement in California, as all these laws still exist and would need to be followed regardless.

item 2 rationale.

to allow formally for flexibility of ammunition in the highly constrained market of lead-free products, ranging from .308 down to 7.62x39. This is due to the current language of 353(c) of Fish and Game Code which reads, "(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" - Currently the language of this provision appears flexible on centerfire cartridges but should be rewritten to expand the flexibility to allow for "centerfire, muzzleloader, and BB device" including any wheellock, matchlock, flintlock, or percussion type or "in-line" muzzleloaders as the case may be, to allow for use of those instruments to hunt big game with .30 caliber minimum designation. In the market, as some examples, the Airforce Texan BB device (big bore airgun) is available in .30, .357, and .45; the Benjamin Bulldog BB device is available in



.357, and the Umarex Hammer, a BB device (big bore airgun) can deliver three .50 caliber rounds one after the other. In the case of BB devices, California law does not require lead-free ammunition (though a few BB device users have explored it), in the case of firearms, it remains required when hunting.

The 7.62x39 round, one of which is perfectly suitable to take down a boar with (example: 7.62X39 RUSSIAN 123GR DT LEAD FREE SC-HP, 2400fps - 1574 ft./lbs), is roughly equivalent to a 30-30 and is essentially a .30 caliber round (7.85–7.9 mm (0.309–0.311") SAAMI 7.92 mm (0.312") CIP). The .308 Winchester, often used on big game, is (0.308" (7.8 mm)). The 7.62x54mmR, used by many in North America today who are owners of Mosin-Nagant bolt-action rifles, is the largest of the three ammunition types mentioned here, and the 7.62x39mm is the smallest cartridge in terms of case length, overall length, rim diameter, and case capacity. However, the 7.62x39 and 7.62x54mmR both have the same bullet diameter. 7.62x39mm factory loads typically use bullet weights in the 120-125 grain range, with 122 and 123 grain bullets being the most common. 7.62x54R factory loads most often use 147-203 grain bullets and 148, 150, and 180 grain bullets are the most popular. Finally, typical .308 Winchester factory loads use bullets in the 110-180 grain range. 150 grain, 165 grain, 168 grain, and 180 grain bullets are the most common. However, all of this ammunition in centerfire is very hard to find (normally out of stock for months) if you are looking for lead-free.

item 3 rationale.

The numbers of wild pigs are exceedingly high, there is damage from the growth of non-native species, and removing them from big game rules at §350 would help encourage more hunters to get back into the field.

SECTION II: Optional Information

5. **Date of Petition: May 10, 2021**

6. **Category of Proposed Change**

- Sport Fishing
- Commercial Fishing
 - **Hunting**
- Other, please specify:

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- **Amend Title 14 Section(s): Division 1, Subdivision 2, Sections 350, 353, and 353(c).**

- Add New Title 14 Section(s):
- Repeal Title 14 Section(s):

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition**

Or ***Not applicable.***



- 9. **Effective date:** If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency: I'd say it's kind of urgent. Desired effective date would be by end of July 2021.
- 10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: N/A
- 11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: *Would increase your revenue based on increased anticipated hunter activity despite reduced tag revenue if implemented as proposed. Would result in greater number of license renewals, ammo purchases, and hunters accessing, using, and thus paying for the maintenance and conservation of public lands.*
- 12. **Forms:** If applicable, list any forms to be created, amended or repealed:
No new forms. If third proposal were to be adopted (see "third request" / "item 3 rationale"), would effectively repeal requirement to apply online for wild pig tag.

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- Denied by FGC
- Denied - same as petition _____
- Granted for consideration of regulation change

Tracking Number