

Phasing in the Use of Nonlead Ammunition

October 25, 2014
Susanville, CA



Overview

- The law and signing message
- Summary of public outreach
- DFW perspective on availability
- Starting point proposal and revisions
- Review draft regulatory text



Highlights of the law and signing message

- Maintain existing Condor zone restrictions
- Maintain certification process
- Establish regulations by July 2015 that phase-in requirements
- Full implementation by 2019
- Implement as soon as *practicable*
- In a manner *least disruptive* to hunters



Outreach to date

1. January 11 – International Sportsmen’s Expo
2. January 15 – WRC Meeting, Van Nuys
3. March 1 - Natl. Wild Turkey Fed., Vacaville
4. March 18 – Director’s Hunting Advisory Committee, Sacramento
5. March 28-29 – Fred Hall Show, Del Mar
6. April 15 – Public Workshop, Ventura
7. June 3 – Public Workshop, Eureka
8. July 19 – DU Meeting, Corning
9. July 19 – Public Workshop, Redding
10. July 28 – WRC Meeting, Sacramento
11. July 29 – Public Workshop, Rancho Cordova
12. August 5 – Public Workshop, San Diego
13. August 12 - Public Workshop, Fresno
14. August 19 – Public Workshop, Rancho Cucamonga
15. Sept. 17 – Regulation Recommendation at WRC, Sacramento



Letters to major manufacturers

- Barnes Bullets, Inc.
- Federal Premium Ammunition
- Hornady Manufacturing
- Kent Cartridge
- Magtech Ammunition Company, Inc.
- Nosler
- Remington Arms Company, LLC
- Weatherby, Inc.
- Winchester Ammunition



CDFW perspective on availability

- Ammunition in general is in short supply
- Product vs retail availability
- Nontoxic shot in sizes used for waterfowl is widely available
- Nontoxic shot in smaller sizes is produced but is not widely available
- Nonlead centerfire ammunition is generally available, but concerns about available volume
- Nonlead rimfire ammunition extremely limited
- Starting point phasing reflects this perspective



Comments received to date

Specific comments on phasing:

1. Postpone implementation until manufacturers can develop available and affordable substitutes
2. A longer phase-in period would be more fair
3. Defer nonlead requirement on public lands to 2016 or 2019
4. Delay the ban for licensed game bird clubs



Comments received (cont.)

5. Allow an exception for older firearms
6. Allow muzzleloaders to continue to use lead
7. Require full implementation in 2015
8. Complete phase-in of nonlead by 2016
9. Build in as much flexibility as possible
10. Post list of comments on DFW web page



DFW starting point and revised proposal

Original: 2015 - Nonlead required for:

- Wildlife Areas and Ecological Reserves
- Bighorn sheep

Revised:

- No changes from starting point proposed



DFW starting point and revised proposal

Original: 2016 - Nonlead required for:

- Larger (most) game birds, including turkeys (waterfowl size shot)
- Small game mammals (by shotgun)
- Non-game, depredation and furbearers (by shotgun)

Revised:

- *Except on Licensed Game Bird Clubs (2019)*



DFW starting point and revised proposal

2019 - Nonlead would be required for the take of all wildlife:

- All big game
- All remaining game birds
- Small game mammals (by rifle/handgun)
- Non-game, depredation and furbearers (by rifle/handgun)
- Muzzleloaders

Revised:

- *Now includes Licensed Game Bird Clubs*



Opportunities for additional input

Commission formal rulemaking process:

- December 3 - Notice hearing in Van Nuys
- February 2015 – Discussion hearing in Sacramento
- April 2015 – Adoption hearing in Santa Rosa
- Regulations Effective July 1, 2015

Comments to: FGC@fgc.ca.gov, or

Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814



Pause to review draft language



Draft regulatory text — to facilitate discussion w/ handouts

(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.



Draft regulatory text

(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.



Draft regulatory text

(d) Phased Approach to Prohibit the Use of Lead Ammunition for the Take of Wildlife (Cont.)

(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:

(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 and-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.



Draft regulatory text

(d) Phased Approach to Prohibit the Use of Lead Ammunition for the Take of Wildlife (Cont.)

(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.



Draft regulatory text

(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.



Questions or comments?

